

# FEDERAL REGISTER

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Part I

(Part II begins on page 6809)

## Agencies in this issue—

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Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Army Department  
Atomic Energy Commission  
Civil Aeronautics Board  
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Land Management Bureau  
National Highway Traffic Safety  
Administration  
Packers and Stockyards  
Administration  
Post Office Department  
Securities and Exchange Commission  
Treasury Department

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# Latest Edition

## Guide to Record Retention Requirements

[Revised as of January 1, 1971]

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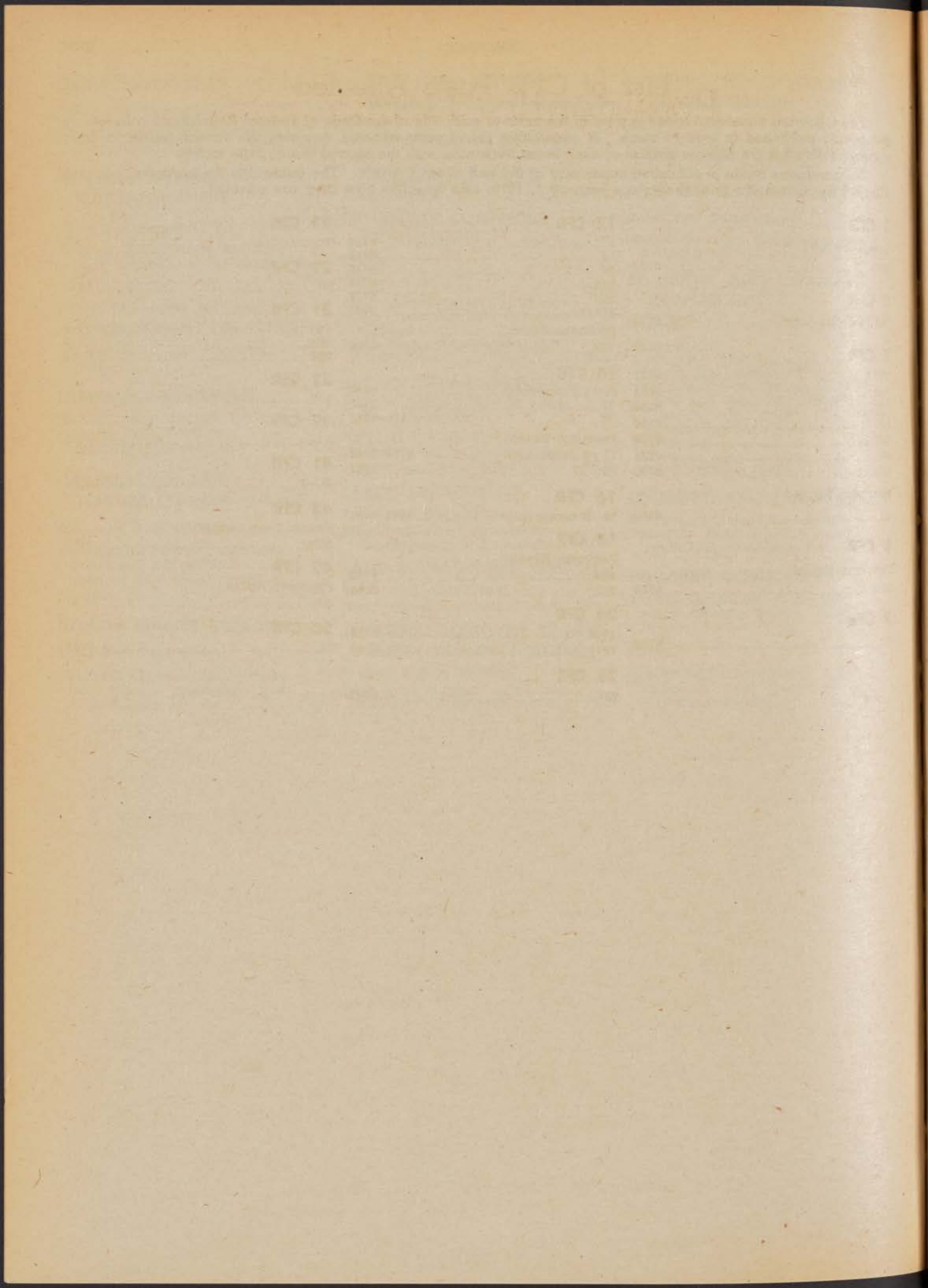


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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

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# Presidential Documents

## Title 3—The President

PROCLAMATION 4043

### National Maritime Day, 1971

*By the President of the United States of America*

#### A Proclamation

A strong American merchant marine is essential to the Nation's economic prosperity and military security.

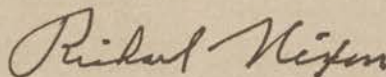
Under the Merchant Marine Act of 1970, the Nation's maritime industry can and must move forward with the task of rebuilding our merchant marine fleet, improving the competitive position of our ship-building industry, and restoring the United States to its rightful proud position in the shipping lanes of the world.

All elements of the maritime industry should utilize the opportunity provided by that Act to develop an American merchant marine fully capable of providing the modern, efficient services which are indispensable both to our foreign commerce and to our security.

To remind Americans of the important role which the merchant marine plays in our national life, the Congress in 1933 designated the anniversary of the first transatlantic voyage by a steamship, the SS *Savannah*, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1971, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of April, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.



[FR Doc.71-5001 Filed 4-7-71;9:22 am]





# Rules and Regulations

## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### SUBCHAPTER F—PERSONNEL

#### PART 577—MEDICAL AND DENTAL ATTENDANCE

#### Uniformed Services Health Benefits Program

1. In the table of contents to Part 577, the centerhead "Dependents' Medical Care" is revised and §§ 577.60—577.71 are revoked in their entirety and new §§ 577.60—577.72 are inserted, as follows:

#### UNIFORMED SERVICES HEALTH BENEFITS PROGRAM

- |        |   |
|--------|---|
| Sec.   | General.  |
| 577.60 | Identification cards and procedures.  |
| 577.62 | Eligibility and source of health benefits.  |
| 577.63 | Health benefits in uniformed services facilities.   |
| 577.64 | Basic program of CHAMPUS benefits for dependents and retired members.   |
| 577.65 | Health benefits in miscellaneous circumstances.   |
| 577.66 | CHAMPUS program for the handicapped.  |
| 577.67 | Transportation.   |
| 577.68 | The Federal Medical Care Recovery Act (42 U.S.C. 2651-2653).  |
| 577.69 | Health benefits for dependents of active duty foreign military personnel of the NATO nations in the United States.                                      |
| 577.70 | Civilian facilities which have been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients. |
| 577.71 | Fiscal administrators for payment of providers of care except inpatient facilities.   |
| 577.72 | Fiscal administrators (hospital contractors) for payment of inpatient facilities.   |

2. Sections 577.60—577.71 are revoked, and new §§ 577.60—577.72 are inserted as follows:

#### § 577.60 General.

(a) *Purpose and scope.* (1) Sections 577.60—577.72 prescribe policies and procedures for—

(i) Administering the Uniformed Services Health Benefits Program authorized by sections 1071-1087 of title 10 United States Code for the following:

(a) Retired members of the uniformed services.

(b) Dependents of active duty and retired members of the uniformed services.

(c) Dependents of persons who at the time of their death were active duty or retired members of the uniformed services.

(ii) Furnishing health benefits to dependents of active duty military personnel of the foreign NATO nations who, in connection with their official duties,

are stationed in or passing through the United States.

(2) Sections 577.60—577.72 may be used in conjunction with the joint regulation, AR 40-122/SECNAVINST 6320.9/AFR 170-18/PHS DIV FIN CIR NO. 41/CG COMDTINST 6320.3, "Fiscal Policies—Uniformed Services Health Benefits Program."

(3) The effective dates benefits were authorized under this program are shown in § 577.62.

(b) *Explanation of terms used throughout §§ 577.60—577.72.* When used in §§ 577.60—577.72 the following terms have the meanings indicated:

(1) *Active duty member.* A person who is serving on active duty in a uniformed service pursuant to a call or order that does not specify a period of 30 days or less. This includes a member of a National Guard or Reserve unit who is called to active duty with his unit for a period which is not specified as 30 days or less.

(2) *Chronic condition.* Any medical or surgical condition marked by long duration or frequent recurrence—or likely to be so marked—which, in the light of medical information available, will ordinarily resist efforts to eradicate it completely, but a condition which needs health benefits to achieve or maintain stability that can be provided safely only by or under the direct supervision of physicians, nurses, or persons authorized by physicians.

(3) *Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).* That part of the Uniformed Services Health Benefits Program that provides for the payment of health benefits provided by civilian sources.

(4) *Deceased member.* A person who died while he was on active duty or retired member as these terms are defined in subparagraphs (1) and (14) of this paragraph.

(5) *Dental care as an adjunct to medical or surgical treatment (adjunctive dental care).* That dental care which in the professional judgment of the attending physician and dentist is required in the treatment or management of a medical or surgical condition other than dental and which may be anticipated to exert a beneficial effect on the primary medical or surgical condition or its sequelae. The primary diagnosis must be specific so that the relationship between the primary condition and the requirement for dental care in the treatment of the primary condition is clearly shown. Dental care to improve the general health of the patient is not necessarily adjunctive dental care.

(6) *Dependent.* A person who bears any of the following relationships to an active duty or retired member of a uniformed service, or to a person who at the

time of his death was an active duty or retired member of a uniformed service:

(i) *Spouse:*

(a) Wife, regardless of whether or not actually dependent on the active duty or retired member.

(b) Unremarried widow, regardless of whether or not actually dependent on the active duty or retired member at the time of his death.

(c) Husband, if dependent on the active duty or retired member for over one-half of his support.

(d) Unremarried widower, if he was dependent on the active duty or retired member at the time of her death for over one-half of his support because of a mental or physical incapacity.

(ii) *Child:*

(a) A legitimate child, adopted child, or legitimate stepchild who is unmarried and—

(1) Under 21 years of age regardless of whether or not dependent on the active duty or retired member; or

(2) Twenty-one years of age or older but incapable of self-support because of a mental or physical incapacity that existed before his 21st birthday and is, or was at the time of death of the active duty or retired member, dependent on the member for over one-half of his support; or

(3) Twenty-one or 22 years of age and pursuing a full-time course of education that is approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as applicable, or that is approved by a State agency pursuant to chapters 34 (Veterans Educational Assistance) and 35 (War Orphans' and Widows' Educational Assistance) of title 38, U.S.C., for the purposes of those chapters, and is, or was at the time of death of the active duty or retired member, dependent on him for over one-half of his support.

(b) An unmarried child or stepchild who was illegitimate at the time of birth and who is, or was at the time of death of the active duty or retired member, dependent on the member for more than one-half of his support; residing in the member's household or in a dwelling place provided or maintained by the member, and—

(1) Under 21 years of age; or

(2) Twenty-one years of age or older but incapable of self-support because of a mental or physical incapacity that existed prior to his 21st birthday; or

(3) Twenty-one or 22 years of age and pursuing a full-time course of education that is approved by the Secretary of Defense or Secretary of Health, Education, and Welfare, as applicable, or that is approved by a State agency pursuant to chapters 34 (Veterans' Educational Assistance) and 35 (War Orphans' and Widows' Educational Assistance) of title 38, U.S.C., for the purposes of those chapters.



NOTE: Courses of education offered by institutions listed in "Education Directory, Part 3, Higher Education" and/or "Accredited Higher Institutions" issued periodically by the Office of Education, Department of Health, Education, and Welfare meet the criteria approved by the Secretary of Defense or Secretary of Health, Education, and Welfare. For determination of approval of courses offered by a foreign institution, by an institution not listed in either of the above directories, or by an institution not approved by a State agency pursuant to chapters 34 and 35 of title 38, U.S.C., a statement may be obtained from the Office of Education, Department of Health, Education, and Welfare, Washington, DC 20202.

(iii) Parent or parent-in-law who is, or was at the time of death of the active duty or retired member, dependent on the member for over one-half of his support and residing in a dwelling place provided or maintained by the member. (Does not include an adoptive parent, step-parent, or person who stood in loco parentis.)

(7) *Domiciliary/custodial care.* The type of care designed essentially to assist the individual in meeting his activities of daily living, i.e., services which constitute personal care such as help in walking and getting in or out of bed, assistance in bathing, dressing, feeding, preparation of special diets, and supervision over medication which can usually be self-administered and which does not entail or require the continuing attention of trained medical or paramedical personnel. (Chronically ill patients whose conditions are stabilized but who need medical services to maintain the achieved stability that can be provided safely only by or under the direct supervision of physicians, nurses, or other paramedical personnel, e.g., irrigations, catheterizations, application of dressings or bandages, administration of medications and other prescribed treatments requiring skill in administration would not be considered as receiving custodial care. Thus, the essential characteristic that is to be considered in determining whether a person is receiving domiciliary or custodial care is the level of care and medical supervision that the patient requires, rather than such factors as the diagnosis, the type of condition, or the degree of functional limitation.)

(8) *Durable equipment.* Equipment which can withstand repeated use and generally is not useful to a person in the absence of illness or injury or the residual of an illness or injury. Respirators, nebulizers, intermittent positive-pressure breathing machines, oxygen tents, wheel chairs, hospital type beds, and ambulation devices such as walkers are examples of durable equipment.

(9) *Emergency medical condition.* One resulting from an accident or an illness of sudden onset requiring immediate medical care at the nearest available medical facility to preserve life or health or to prevent undue suffering.

(10) *Fiscal administrator and/or contractor.* The legal entity or agency with which the Government enters into a contract under the provisions of the CHAMPUS such as a State medical society or association, an insurance com-

pany, Blue Cross, or Blue Shield for the purpose of receiving, adjudicating, and paying claims, and providing other related services in the administration of the CHAMPUS.

(11) *Inpatient care, care on an inpatient basis, or hospitalization.* Medical care and medical related services and supplies provided a patient in an inpatient facility or uniformed service medical facility where the patient is carried on the records of the facility as an inpatient. See § 577.64(h) (3), (5), (6) and (16) for exceptions.

(12) *Maternity (obstetrical) and infant care.* Medical and surgical care incident to pregnancy, including prenatal care, delivery, postnatal care, treatment of complications of pregnancy, and inpatient care of newborn infant.

(13) *Outpatient care or care on an outpatient basis.* Medical care and medical related services and supplies provided a patient who is not carried as an inpatient in an inpatient facility or a uniformed service medical facility. See § 577.64(h) (3), (5), (6), and (16) for exceptions.

(14) *Retired member.* A member or former member of a uniformed service who is currently entitled to retired or retiree pay, or equivalent pay, as a result of service in a uniformed service.

(15) *Secretary.* The Secretary of the Army, Navy (for the Navy and Marine Corps), or Air Force. For the other uniformed services (Coast Guard, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the Environmental Science Services Administration), this term means the Secretary of Health, Education, and Welfare.

(16) *Spouses and children of active duty members residing with their sponsors.* Those who reside in the household of the service member in the area of his permanent duty station or the home port or home yard of the ship, even though the service member may be temporarily absent by reason of temporary duty with his unit or ship or on individual travel orders. It does not include those who are not living with the service member, e.g., cases where a service member and his spouse are separated but a final divorce decree has not been granted nor does it include spouses and children of service members who become prisoners of war or missing in action.

(17) *Uniformed services.* The Army, the Navy, the Marine Corps, the Air Force, the Coast Guard, the Commissioned Corps of the Public Health Service, and the Commissioned Corps of the Environmental Science Services Administration.

(18) *United States.* All of the States and the District of Columbia.

(c) *Explanation of terms used in §§ 577.64 and 577.66.* When used in §§ 577.64 and 577.66 the following terms have the meanings indicated. In administering the CHAMPUS, the explanations in subparagraphs (1) through (7) of this paragraph may be modified for use outside the United States and Puerto Rico by the Executive Director, OCHAM-

PUSEUR; appropriate overseas commander; or other commander with comparable responsibility. They may be modified for use in Mexico and Canada by the Executive Director, OCHAMPUS. The Executive Director, OCHAMPUS, may also waive the definition of inpatient facility for care provided within the United States and Puerto Rico in order to avoid hardship in individual cases.

(1) *Full payment concept.* That, when a civilian provider of care accepts a patient for treatment under CHAMPUS and files a claim form, he agrees to accept the reasonable charge as determined by the Government as full payment for his services. Thereafter, neither the patient nor the sponsor is responsible for further payment of any charge for authorized care except the statutory cost-sharing portion as specified in § 577.64(g).

(2) *Inpatient facility.* Any of the following:

(i) Hospital: A hospital (other than tuberculosis or psychiatric) means an institution which—

(a) Is primarily engaged in providing, by or under the supervision of physicians to inpatients; diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons; or rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

(b) Maintains clinical records on all patients;

(c) Has bylaws in effect with respect to its staff of physicians;

(d) Has a requirement that every patient must be under the care of a physician;

(e) Provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(f) Has in effect a hospital utilization review plan;

(g) Is licensed or is approved by the State or local licensing agency as meeting the standards established for such licensing;

(h) Meets other health and safety requirements found necessary by the Secretary of Health, Education, and Welfare. (These additional requirements may not be higher than comparable ones prescribed for accreditation by the Joint Commission on Accreditation of Hospitals with exceptions specified in the law.)

(i) Is not primarily for the care and treatment of mental diseases or tuberculosis.

(ii) *Psychiatric treatment facility:* A facility, including special schools, camps, and similar facilities, which is engaged in the treatment of nervous, mental, or emotional disorders, and meets the following requirements:

(a) Has a professional staff including one or more full or part-time licensed physicians who are qualified psychiatrists (i.e., who have completed 3 years or more of approved residency training or are board qualified or certified), in addition to such ancillary psychiatric personnel as psychologists, psychiatric, or other



social workers, psychiatric aides, occupational or vocational therapy personnel, teachers, and nursing personnel, as appropriate.

(b) Is operated in accordance with the laws of the jurisdiction in which it is located. (iii) Extended care facility: A facility or part of a facility which meets the following requirements:

(a) Is primarily engaged in providing to inpatients, skilled nursing care and related services for patients who require medical and nursing care, or rehabilitative services.

(b) Has policies, which are developed with the advice of and with provisions for review from time to time by a group of professional personnel, including one or more licensed physicians and one or more registered professional nurses, to govern the skilled nursing care and related medical or other services it provides.

(c) Has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies.

(d) Has a requirement that the health care of each patient must be under the supervision of a licensed physician, and provides for having a physician available to furnish necessary medical care in case of emergency.

(e) Maintains clinical records on all patients.

(f) Provides 24-hour nursing service which is sufficient to meet nursing needs in accordance with the policies developed as provided in (b) of this subdivision (iii), and has at least one registered professional nurse employed full time.

(g) Provides appropriate methods and procedures for the dispensing and administering of drugs and biologicals.

(h) Is licensed in accordance with the provision of State or applicable local law which requires licensing of such institutions, or is approved by the agency of the State or locality responsible for licensing institutions of this nature, as meeting the standards established for such licensing.

(i) Has in effect a written transfer agreement with hospitals in the locality from which there is reasonable assurance that transfer of patients will be made whenever such transfer is medically appropriate as determined by the attending physician. Such agreements must include provisions for an interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions. The Executive Director, OCHAMPUS, may waive this requirement when it is found that the facility does not have such an agreement in effect but had, in fact, attempted in good faith to enter into such an agreement.

(j) Has in effect a utilization review plan.

(k) Is a facility approved by the Department of Health, Education, and Welfare.

(iv) College infirmary.

(v) Christian Science sanatorium: A sanatorium operated, or listed and certified by, the First Church of Christ, Scientist, Boston, Mass.

(vi) Ambulatory Surgical Center: A facility which meets the following requirements:

(a) Is established, equipped, and operated primarily for the purpose of performing surgical procedures;

(b) Operates under the supervision of a staff of physicians;

(c) Permits a surgical procedure to be performed only by a physician who at the time is privileged to perform such procedure in at least one hospital in the area;

(d) Requires in all cases, other than those requiring only local infiltration anesthetics, that a licensed anesthesiologist administer the anesthetics and remain present during the surgical procedure;

(e) Provides at least two operating rooms and at least one post-anesthesia recovery room;

(f) Is equipped to perform diagnostic X-ray and laboratory examinations required in connection with the surgery to be performed;

(g) Provides the full-time services of registered graduate nurses (RN) for patient care in the operating rooms and in the postanesthesia recovery room;

(h) Has available the necessary equipment and trained personnel to handle foreseeable emergencies. Such equipment will include a defibrillator for cardiac arrest, a tracheotomy set for airway obstruction, and a blood bank or other blood supply or blood substitutes for hemorrhage;

(i) Maintains written agreements with one or more hospitals in the area for immediate acceptance of patients who develop complications or require post-operative confinement;

(j) Provides for periodic review of the facility and its operations by a Utilization and/or Tissue Committee composed of physicians, other than those owning or supervising the facility;

(k) Maintains adequate medical records for each patient. Such records will include—

(1) Admitting diagnosis. For all patients other than those undergoing operation under local anesthesia, the admitting diagnosis must include preoperative examination report, medical history, and laboratory tests and/or X-rays and tissue examination.

(2) Operative report.

(3) Discharge summary.

(vii) Tuberculosis hospital: A tuberculosis hospital is an institution which is primarily engaged in providing by or under the supervision of a physician medical services for the diagnosis and treatment of tuberculosis. To be eligible for participation in the program, it must be accredited by the Joint Commission on Accreditation of Hospitals, have in effect a utilization review plan, and comply with additional staffing and medical record requirements necessary to carry out an active program of treatment and

intensive care. A distinct part of a tuberculosis institution can be considered a tuberculosis hospital if the distinct part meets requirements equivalent to the accreditation requirements of the Joint Commission on Accreditation of Hospitals even though the institution itself is not accredited.

(3) *Necessary services and supplies.* Those services, consumable supplies, and supportive devices ordered by the provider of care as essential for the care of the patient or treatment of the patient's medical or surgical condition. Includes other professional services, surgical dressings, irrigation equipment, disposable syringes, colostomy bags and necessary accouterments.

(4) *Physician.* A professionally qualified doctor of medicine or doctor of osteopathy who is licensed to provide the medical care for which payment is requested at the time and place the care is provided. For the purposes of this regulation, doctors of dental surgery, doctors of dental medicine, and doctors of surgical chiropody, when acting within the scope of their licenses, are deemed to be physicians. The licensure requirement may be waived in unusual circumstances with the approval of the Deputy Assistant Secretary of Defense (Health Affairs).

(5) *Private-duty nurse.* Includes—

(i) A professional registered nurse (RN).

(ii) A technical registered nurse (RN).

(iii) A licensed practical nurse (LPN).

(iv) A licensed vocational nurse (LVN).

(v) Nurses aide or unlicensed practical nurse only if a RN, LPN, or LVN is not available.

(6) *Reasonable charges.* The charges allowable under CHAMPUS for services provided. The considerations used for determining reasonable charges are—

(i) The customary charges for similar services generally made by the provider of care, and

(ii) The prevailing charges in the locality for similar services.

(7) *Special report.* Justification by the provider of care to support charges for unusual services or services involving extraordinary effort or skill over and above that required for treatment of the normal case.

(d) *Explanation of terms used in § 577.66.* When used in § 577.66 the following terms have the meanings indicated.

(1) *Day schools.* Schools operated in accordance with the laws of the jurisdiction in which located which provide special education for handicapped children who reside at home and attend classes during the day.

(2) *Moderate or severe mental retardation.* A condition characterized by significant impairment in development of motor, speech, and self-care skills; significant impairment of intelligence and learning capacity; and inability to learn social and vocational skills without special education and training. It excludes those who are mildly retarded. Evaluation is based on overall functioning and not solely on IQ.



(3) *Occupational day centers and schools.* Those facilities which are operated in accordance with the laws of the jurisdiction in which located and which provide rehabilitation service for physically handicapped or mentally retarded persons, enabling them to live with less dependence on others.

(4) *Private nonprofit institutions and facilities.* Those institutions and facilities which are operated in accordance with the laws of the jurisdiction in which located and which are sponsored by voluntary agencies, religious groups, and other nonprofit organizations to provide services to physically handicapped or mentally retarded persons. They must be listed, or be included in a parent organization which is listed, as nonprofit organizations in the Internal Revenue Service Cumulative List of Organizations (GPO Publication No. 78); or must furnish other satisfactory evidence of status as a nonprofit organization, such as proof of compliance with State Nonprofit Corporation Statutes.

(5) *Public institutions and facilities.* Those institutions and facilities which are supported and operated by Federal, State, county, or local governments.

(6) *Serious physical handicap.* A condition markedly limiting capability to engage in pursuits along with one's peers. Examples of conditions from which a serious physical handicap may arise include, but are not limited to—

(i) Any acute or chronic disease or malfunction, either congenital or acquired, or injury involving any of the following systems: Cardiovascular, respiratory, genitourinary, endocrine, musculoskeletal, nervous, gastrointestinal, integumentary, hematopoietic or body metabolism.

(ii) Seriously impaired dental functioning, or serious dental defects and deficiencies, contributing to the limiting capability to a significant degree.

(e) *Administration.*—(1) *General.* The Secretary of Defense with jurisdiction over the Army, Navy, Air Force, Marine Corps, and the Coast Guard (when operating as a service of the Navy), and the Secretary of Health, Education, and Welfare with jurisdiction over the Public Health Service and for medical care purposes over the Environmental Science Services Administration and the Coast Guard (when not operating as a service of the Navy) are responsible for overall policy guidance for the implementation of the Uniformed Services Health Benefits Program. The Secretaries of the military departments and the Administrator, Health Services and Mental Health Administration, Public Health Service, are jointly responsible for implementation of the Uniformed Services Health Benefits Program authorized by the Secretaries of Defense and Health Benefits Program authorized by the Secretaries of Defense and Health, Education, and Welfare. The Secretary of the Army, as Executive Agent for the Secretaries of Defense and Health, Education, and Welfare, has the responsibility for implementing the CHAMPUS in accordance

with the law and the policy guidance received from the Department of Defense for all the uniformed services in the United States, Puerto Rico, Canada Mexico, countries located within the U.S. European Command (USEUCOM), Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon. Outside of these areas, the Secretary of each military department and the Administrator, Health Services and Mental Health Administration, Public Health Service, are responsible for implementing the CHAMPUS for beneficiaries of their service. The Secretary of each military service is also responsible for contracting with qualified personnel for special educational services under the program for the Handicapped (§ 577.66) for children of members of all the military departments within this area of responsibility as outline in AR 40-122/SECNAVINST 6320.9/AFR 170-18/PHS DIV FIN CIR NO. 41/CG COMDTINST 6320.3 series.

(2) *CHAMPUS in the United States, Puerto Rico, Canada, and Mexico.* The Chief of Staff, U.S. Army, delegated his responsibility for implementing the CHAMPUS in these areas to The Surgeon General, Department of the Army. The Surgeon General is responsible for operating the program, contracting for payment of civilian health benefits, and establishing and maintaining a central information center to provide information concerning facilities available to care for the handicapped and to review and approve services for beneficiaries. Subject to policy directives and guidance issued by The Surgeon General and this regulation, these responsibilities have been redelegated to the Executive Director, OCHAMPUS, Denver, CO 80240.

(3) *CHAMPUS in countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.* The Chief of Staff, U.S. Army, has delegated his responsibility for implementing the CHAMPUS in these countries to the Commander in Chief, U.S. Army, Europe. The Commander in Chief, U.S. Army Europe, is responsible for administering the program, paying for civilian health benefits, and establishing and maintaining a central information and review center to provide information and sources of care. The Executive Director, OCHAMPUSEUR, U.S. Army Medical Command, Europe, APO New York 09403, administers the program for the Commander in Chief, U.S. Army, Europe.

(4) *CHAMPUS outside the United States, Puerto Rico, Canada, Mexico, and countries outside the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.* The Secretaries of the uniformed services have delegated their responsibility to major oversea commanders or commanders with comparable responsibility. Such commanders will be guided by

§§ 577.60-577.72 and the following regulations of the individual services:

(i) *Army.* AR 40-123 (Fiscal Procedures—Dependent's Medical Care—Outside the United States and Puerto Rico).

(ii) *Navy.* BUMED Instruction 6322.6 series.

(iii) *Air Force.* AFR 168-4 (Uniformed Services Health Benefits Program in Areas Other Than the United States, Puerto Rico, Canada, Mexico, and Countries Within the U.S. European Command).

(iv) *Coast Guard.* Commandant Instruction 6320.4 series (Uniformed Services Health Benefits Outside the United States, Puerto Rico, Canada, and Mexico; Payment of Charges).

(f) *Nondiscrimination policy.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, payment cannot be made for inpatient or outpatient care provided in and billed by civilian facilities found by the Department of Defense to practice discrimination in the admission and/or treatment of patients on the basis of race, color, or national origin and reimbursement cannot be made to an eligible patient who pays for care in such a facility and submits a claim for reimbursement. This policy is applicable in the States of the United States, the District of Columbia, Puerto Rico, Virgin Islands, American Samoa, Guam, Wake Island, Canal Zone, and the territories and possessions of the United States. This restriction on payment applies to bills submitted by ineligible facilities for all care otherwise authorized by §§ 577.60-577.72 including benefits authorized under the Program for the Handicapped. However, payment of attending physician and other professional or paramedical personnel who bill independently of the facility will not be refused solely because their services were provided at a facility which has been determined by the Department of Defense to practice discrimination (§ 577.70).

(2) In unusual circumstances, the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate, may authorize payment for care obtained in an ineligible facility. When a claim is received for care obtained in an ineligible facility, it will be carefully reviewed to determine whether unusual circumstances existed which might justify recommending payment. Examples of unusual circumstances include, but are not limited to, the following:

(i) Emergency care.

(ii) Care rendered in an ineligible facility because of the absence of an eligible facility within a reasonable distance.

(iii) Extended care for chronic conditions, nervous, mental or emotional disorders, and for treatment under the Program for the Handicapped when a plan for management of the condition had been approved prior to the effective date of ineligibility of the facility and when the attending physician determines



that a change in the treatment facility would be detrimental to the patient.

(iv) Short-term care which was initiated prior to the effective date of ineligibility and continued beyond the ineligibility date.

(3) Claims in connection with care provided in facilities on the ineligible list which indicate that unusual circumstances existed must be approved for payment by the Secretary of Defense or Secretary of Health, Education, and Welfare, as appropriate. When unusual circumstances appear to justify the payment of such claims, the Executive Director, OCHAMPUS, or the oversea commander, as appropriate, will forward the claim, together with his recommendation, to The Surgeon General concerned for review and forwarding to the appropriate Secretary for decision. Such claims must include a statement indicating the unusual circumstances.

(4) Section 577.70 lists the facilities determined by the Department of Defense to be ineligible, together with the effective dates of ineligibility.

(g) *Disqualification of facilities.* The Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or an appropriate oversea commander may determine that services provided by a hospital, institution, or other facility are substandard or the charges for services excessive. When such a determination is made, he may notify such facility that it is no longer qualified to participate in the CHAMPUS and that payment by the Government for any services provided thereafter in that facility will be denied except that institutionalized patients may remain at Government expense until arrangements can be made for their transfer to another facility or institution.

(h) *Information and assistance.* Each uniformed service is responsible for informing eligible beneficiaries of their services, including retired members and the dependents of deceased members, as to the benefits available under the Uniformed Services Health Benefits Program and the administrative procedures necessary to obtain benefits.

#### § 577.61 Identification cards and procedures.

(a) *Identification required.*—(1) *Retired personnel.* The gray colored DD Form 2 (with letter suffix denoting branch of service) (Ret) (Identification Card) is the prescribed identification for retired members of all the uniformed services except the Commissioned Corps of the Public Health Service when seeking health benefits in either uniformed services facilities or under the CHAMPUS. The gray colored PHS-1866-3 (Ret) (Identification Card) is prescribed for retired members of the Commissioned Corps of the Public Health Service.

Note: The red colored DD Form 2 (Ret) (Identification and Privilege Card is not acceptable identification for CHAMPUS benefits.)

(2) *Dependents.* DD Form 1173 (Uniformed Services Identification and Privilege Card) is prescribed for identifica-

tion of dependents seeking health benefits either in uniformed services facilities or from civilian sources. Application for a DD Form 1173 will be made by submitting a DD Form 1172 (Application for Uniformed Services Identification and Privilege Card) as prescribed by the directives of the individual services listed in paragraph (b) of this section. It is incumbent upon each member and retired member to insure that his eligible dependents obtain and keep in their possession a DD Form 1173 and that a new DD Form 1173 be obtained prior to expiration date shown on the form for those dependents whose eligibility continues beyond that date. See paragraph (c) of this section for identification required for children under 10 years of age. DD Forms 1173 which do not have an affirmative entry in item 15b thereof, are not acceptable identification for CHAMPUS benefits.

(b) *Determination of eligibility.* Determination of a person's eligibility for care is the responsibility of the uniformed service of which the active duty, retired, or deceased member is, or was at the time of his death, a member. Procedures for determination of eligibility and issuance of DD Form 2 (Ret), Form PHS-1866-3 (Ret), and DD Form 1173 are prescribed by the following directives of the individual services:

(1) *Army.* AR 606-5 (Identification Cards, Tags, and Badges).

(2) *Navy.* (i) BUPERS Manual, articles 4620150 (active duty members) and 4620250 (retired members).

(ii) BUPERSINST 1750.5 series, Uniformed Services Identification and Privilege Card (DD Form 1173); regulations governing.

(3) *Marine Corps.* (i) MCO in P1900 series, Separation and Retirement Manual (DD Form 2MC-RETIRED).

(ii) MCO in 1750 series, Uniformed Services Identification and Privilege Card (DD Form 1173).

(4) *Air Force.* AFR 30-20 (Issue and Control of Identification Cards).

(5) *U.S. Public Health Service.* (i) CC26.1b, Personnel Instruction 1, Public Health Service Commissioned Corps Personnel Manual.

(ii) Dependents' Medical Care Circular No. 2.

(6) *Coast Guard.* Personnel Manual (CG 207, chapter 13, section E and chapter 18, section C).

(7) *Environmental Science Services Administration.* No published regulations. Identification cards are issued by Headquarters, ESSA, or the applications are verified by Headquarters, ESSA and presented to any uniformed services facility for issuance of a card.

(c) *Identification procedures.* Except as indicated in subparagraphs (1), (2), and (3) of this paragraph, when requesting CHAMPUS benefits or health benefits from uniformed services facilities, dependents 10 years of age or older will be required to show DD Form 1173 to the cognizant medical authority or his designee. Although a DD Form 1173 may be issued to children under 10 years of age as authorized by the directives of the

individual services, a DD Form 1173 normally is not issued to such children. Certification and identification of such children for health benefits is the responsibility of the member or retired member, accompanying parent, legal guardian, or acting guardian. Either the DD Form 1173 issued the spouse of a member or the identification card of the member, DD Form 2, DD Form 2 (Ret), Form PHS-1866-1, or Form PHS-1866-3 (Ret) is acceptable identification for the purpose of establishing the eligibility of a child under 10 years of age. The fact that the word "indefinite" may appear in the space for the expiration date on the member's card would not lessen its acceptability for identification of the child. On claims submitted for CHAMPUS benefits furnished children under 10 years of age who do not have a DD Form 1173, the applicable data from the mother's DD Form 1173 or the sponsor's DD Form 2, DD Form 2 (Ret), Form PHS-1866-1, or Form PHS-1866-3 (Ret) will be entered in the item entitled "Identification Card" of the appropriate claim form.

(1) In an emergency, satisfactory collateral identification may be accepted in lieu of an identification card; for example, official orders, letters, or other documents establishing the individual's status as a member or retired member of a uniformed service, and in the case of dependents, showing clearly the relationship of the individual to an active duty, retired, or deceased member of a uniformed service.

(2) When DD Form 1173, DD Form 2 (Ret), or Form PHS-1866-3 (Ret) is not available and no emergency exists—

(i) The patient may be provided health benefits as a potential beneficiary of the CHAMPUS. Payment in such cases will be made only if the claim form is supported by a statement from an official of the appropriate uniformed service who has access to the patient's or sponsor's records indicating that the patient was entitled to health benefits from civilian sources during the period in question. The statement will include the name, rank or grade, and position of the issuing official and may be used in lieu of the eligibility information required on the claim form.

(ii) Uniformed services facilities may accept a statement from the patient, parent, sponsor, legal guardian, or acting guardian attesting to the fact that eligibility has been established in accordance with the appropriate uniformed services regulations and giving the reason why a DD Form 1173, DD Form 2 (Ret), or Form PHS-1866-3 (Ret) is not in their possession. This statement will be affixed to the patient's medical record.

(3) In cases of personnel called to active duty with National Guard or Reserve units whose dependents do not have DD Form 1173, satisfactory collateral identification may be accepted in lieu of DD Form 1173, e.g., official documents which establish the individual's status as a member of a unit called to active duty for a period which was not specified



as 30 days or less, together with satisfactory evidence of relationship to the member. In these instances, the dependent's eligibility commences on the first day of the sponsor's active service and ceases as of midnight on the last day of active service.

(4) In those instances where parents or parents-in-law request medical care in a uniformed services medical facility and their DD Form 1173 has expired, they may be furnished care provided they, or their sponsor, sign a statement that an application has been submitted for a new DD Form 1173, that they are dependent upon the sponsor for over one-half of their support, and that there has been no material change in their circumstances since the previous determination of dependency. This statement will be affixed to their medical record. Parents and parents-in-law have no entitlement to CHAMPUS benefits regardless of the circumstances under which the care is furnished.

#### **§ 577.62 Eligibility and source of health benefits.**

(a) *Persons eligible for health benefits*—(1) *Persons eligible for both CHAMPUS benefits and health benefits in uniformed services facilities.* (i) Retired members who are not entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged.

(ii) Spouses and children of retired or deceased members who, in their own right, are not entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged.

(iii) Spouses and children of active duty members who are residing apart from the active duty member, regardless of whether or not they, in their own right, are entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged.

(iv) Spouses and children or active duty members who are residing with the active duty member, regardless of whether or not they, in their own right, are entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged, may elect to obtain outpatient health benefits in uniformed services facilities or under CHAMPUS. They must, however, obtain inpatient care, including outpatient prenatal and postnatal maternity care to be paid as inpatient care (§ 577.64(h)(5)(v)), in uniformed services facilities except when conditions exist as outlined in (a) through (i) of this subdivision.

(a) In an emergency when certified as such by the attending physician.

(b) When the sponsor enters on active duty or the status of a dependent changes from residing apart from sponsor to residing with sponsor and the dependent is obtaining maternity care and does not desire to change physicians; hospitalized in a civilian facility; or undergoing diagnostic tests and procedures directly related to a condition for which inpatient

care in a civilian facility occurs within a period of 30 days.

(c) During a period of absence from the area of the sponsor's household on a trip.

(d) When hospitalized for nonadjunctive dental care.

(e) When, if residing in the United States or Puerto Rico, a DD Form 1251 (Nonavailability Statement) (§ 577.63(d)) has been issued by the nearest uniformed service installation or off-post activity. Only one DD Form 1251 is required for successive admissions in an inpatient facility for treatment of the same condition provided not more than 30 days elapse between the successive admissions. Exception: Only one DD Form 1251 is required for maternity (obstetrical) care for the same pregnancy regardless of the number of admissions or time elapsing between admissions.

(f) When residing in Canada or Mexico.

(g) When, if residing outside the United States, Puerto Rico, Canada, or Mexico, medical facilities of the uniformed services are nonexistent, not within a reasonable distance of the dependent's residence or, if within a reasonable distance of the dependent's residence, not capable of providing the needed care. Applying the policies outlined in § 577.63(d), the oversea commander determines if a uniformed services medical facility is near enough to the dependent's residence to be considered within a reasonable distance of the dependent's home and, if so, the hospital commander determines if his facility can provide the required care.

(h) When the inpatient benefit is being provided under the Program for the Handicapped (§ 577.66).

(i) When surgery is provided in an ambulatory surgical center or the outpatient department of a hospital.

(2) *Persons eligible for health benefits in uniformed services facilities only.* (i) Retired members who are entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged.

(ii) Spouses and children of retired and deceased members who, in their own right, are entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged.

(iii) Parents and parents-in-law of an active duty, retired, or deceased member who qualify as dependents.

(3) *Exclusions.* (1) Family members who do not bear one of the relationships to a member, retired member, or deceased member as reflected in the definition of a dependent in § 577.60(b)(6) are not eligible for health benefits in uniformed services medical facilities or under CHAMPUS even if they are, or were at the time of the member's death, totally dependent on the member or retired member.

(ii) Executive Order 10122, April 14, 1950, as amended by Executive Order 10400, September 29, 1952, provides that all duties, powers, and functions incident

to hospitalization of members of the uniformed services placed on the Temporary Disability Retired List or permanently retired for physical disability who require hospitalization for certain chronic conditions shall be vested in the Administrator of Veterans Affairs. The provisions of the cited Executive order apply only to the division of responsibility between the uniformed services and the Veterans Administration for hospitalization in their respective facilities. Under chapter 55 of title 10 United States Code, such retired members may obtain authorized CHAMPUS benefits for the specified chronic conditions if they so desire and, in addition, may obtain authorized CHAMPUS benefits for other conditions if they so desire.

(iii) A parent or parent-in-law is not eligible for CHAMPUS benefits regardless of the circumstances under which such care is received.

(b) *Beginning date of eligibility.* (1) Spouses, legitimate children, adopted children, and legitimate stepchildren of active duty members are eligible for health benefits on the following dates:

(i) For the medical benefits authorized by the Dependents' Medical Care Act of 1956—December 7, 1956. Payment for civilian out-patient care received prior to October 1, 1966, and civilian inpatient care received prior to January 1, 1967, is governed by the provisions of chapter 55 of title 10 United States Code in effect at the time the care was received.

(ii) For CHAMPUS outpatient benefits—October 1, 1966.

(iii) For CHAMPUS inpatient benefits—January 1, 1967.

(iv) For care in uniformed services facilities authorized by this part—January 1, 1967.

(v) For CHAMPUS benefits authorized under the Program for the Handicapped (§ 577.66)—January 1, 1967.

(vi) On the date the member enters on active duty if after the above effective dates.

(vii) On the date an event occurs after the above effective dates which places an individual in the status of a dependent as defined in § 577.60(b)(6), e.g., marriage to a service member.

NOTE: In the event of legitimization of a child, eligibility is retroactive to date of birth or the dates set forth above, whichever is later, except that claims may not be paid for care obtained earlier than 5 years from the date the claims are received by the CHAMPUS fiscal administrator. Normally, in cases of adoption, eligibility begins on the date of the final adoption decree; there is no entitlement during any interim waiting period.

(2) Spouses, legitimate children, adopted children, and legitimate stepchildren of retired or deceased members are eligible on the dates indicated below—

(i) For CHAMPUS benefits (except benefits under the Program for the Handicapped (§ 577.66)) and for care in uniformed services facilities authorized by this part—January 1, 1967.



(ii) On the date an event occurs after the above effective date which places an individual in the status of a dependent as defined in § 577.60(b) (6).

NOTE: The retirement of a member or the death of a member on or after January 1, 1967 does not affect the eligibility of his spouse and children for CHAMPUS benefits but may affect the scope of the benefits; e.g., change of status from dependent of active duty member to dependent of deceased or retired member would result in loss of benefits under the Program for the Handicapped. Also, in the case of retirement or death of an active duty member, the portion of charges which his dependents must pay for CHAMPUS benefits increases.

(3) Illegitimate children and illegitimate stepchildren of active duty, retired and deceased members became eligible for care in uniformed services facilities and CHAMPUS benefits on January 1, 1969.

(4) Retired members became eligible for CHAMPUS benefits on January 1, 1967. A member who retired on or after January 1, 1967, becomes eligible as of midnight on the last day of his active duty.

(5) Parents and parents-in-law are eligible for benefits authorized by this regulation in uniformed services facilities on January 1, 1967, or on a date an event occurs after January 1, 1967, which places them in the status of a dependent as defined in § 577.60(b) (6) (iii).

They have no entitlement to CHAMPUS benefits.

(c) *Changes in and termination of eligibility*—(1) *Change in status of active duty or retired members.* (i) When a member's period of active duty ends (for any reason other than retirement or death) or he is officially placed in a desertion status, his dependents lose their eligibility for CHAMPUS benefits and care in uniformed services facilities as of midnight of the date the member's period of active duty ends or midnight of the date he is placed in a desertion status.

NOTE: Eligibility is restored when the deserter is returned to military control.

(ii) If a retired member ceases to be entitled to retired or retainer pay, or equivalent pay, for any reason, he and his dependents lose their eligibility for CHAMPUS benefits and for health benefits in uniformed services facilities as of midnight on the date the member ceases to be entitled to such pay. A retired member who waives his retired pay does not, thereby, lose eligibility for CHAMPUS benefits or benefits in uniformed services facilities.

(iii) The dependents of a military prisoner under a sentence to a punitive discharge retain their eligibility for care until such time as the discharge is executed.

(2) *Change in status of dependent.* (i) A wife or husband who is divorced from a member loses eligibility for CHAMPUS benefits and for health benefits in uniformed services facilities as of midnight on the date the divorce becomes final. This includes loss of maternity care benefits for wives who are pregnant at the

time the divorce becomes final. A wife does not lose eligibility through issuance of an interlocutory decree of divorce even when the court has approved a property settlement releasing the service member from responsibility for her support. A wife's eligibility for care depends on her relationship alone and she remains eligible so long as the relationship of husband and wife is not terminated by a final divorce decree. The eligibility of children is not affected by the divorce except that a stepchild relationship would cease upon divorce of parent and stepparent, nor does the fact that the divorced wife remarries terminate a child's eligibility for health benefits.

(ii) A child of an active duty or retired member adopted after that member's death retains eligibility for health benefits. However, the adoption of a child of a living member by another person (other than by a person whose dependents are eligible for health benefits) terminates the child's eligibility.

(iii) If a child of a member is married before reaching age 21 to a person whose dependents are not eligible for care under the Uniformed Services Health Benefits Program, eligibility ceases as of midnight on the date of marriage. However, should the marriage be terminated, the child again becomes eligible for health benefits as a dependent child if otherwise eligible.

(iv) A stepchild relationship does not cease upon death of the member stepparent but does cease if the natural parent subsequently remarries.

(v) A child 21 or 22 years of age who is pursuing a full-time course of education and who either during the school year or between semesters suffers a disabling illness or injury with resultant inability to resume attendance at the institution, remains eligible for health benefits until 6 months after the disability is removed or until he passes his 23d birthday, whichever occurs earlier.

(3) *Attainment of age 65.* Retired members, their spouses and children, and the spouses and children of deceased members who become entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged on attainment of age 65 lose their eligibility for CHAMPUS benefits. This includes loss of CHAMPUS benefits outside the United States even though the law generally bars Social Security Medicare benefits outside the United States. Loss of eligibility for CHAMPUS benefits is automatic at age 65 unless the retired member or dependent has a Notice of Disallowance from the Social Security Administration indicating that he has filed with Social Security for hospital Medicare benefits and has been determined to be ineligible. Entitlement for Social Security hospital insurance benefits (Part A) does not affect the eligibility of these beneficiaries for care in uniformed services facilities. Entitlement to only the Supplemental Health Benefits provision (Part B) of the Social Security Health Insurance Program for the Aged does not exclude a beneficiary from benefits under CHAMPUS regardless of age; however, such

Part B health insurance coverage is considered as "other insurance obtained by operation of law" in determining the extent of the CHAMPUS payment (§ 577.64(j)).

(d) *Actions required upon change or termination of eligibility status.* (1) Members being processed for separation or release from active duty, including those being retired, must complete Section I, DD Form 1407 (Dependent Medical Care and DD Form 1173 Statement), indicating whether or not they have a dependent receiving health benefits in a uniformed services facility or from civilian sources under the Uniformed Services Health Benefits Program. The Public Health Service uses Form PHS 3209 for this purpose.

(2) When the DD Form 1407 (or Form PHS 3209) indicates that a member has a dependent receiving health benefits, the commander processing the member for separation or release from active duty will take the action specified in subdivisions (i) and (ii) of this subparagraph. Such action will be taken at the earliest possible time during processing and in no event any later than the date of release unless the member continues on active duty through reenlistment, commissioning, or other similar personnel action.

(i) Notify the Executive Director, OCHAMPUS, Denver, CO 80240, when CHAMPUS benefits are being received by a dependent in the United States, Puerto Rico, Canada, or Mexico. When CHAMPUS benefits are being received by a dependent in a country located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic and Ceylon, notify the Executive Director, OCHAMPUSEUR, U.S. Army Medical Command, Europe, APO New York 09403. If the dependent is receiving CHAMPUS benefits in an overseas area other than one previously listed, notification will be made to the appropriate overseas commander. Notice will be sent by message communication or other expeditious means, furnishing the name of the dependent; the name, grade, service number, and social security account number of the member; date of the member's separation or release from active duty; and the names and addresses of all known civilian providers of care.

(ii) When health benefits are being received in a uniformed services facility by a dependent of a member being processed for separation or release from active duty (other than retirement), notify the uniformed services facility concerned by message communication or other expeditious means, furnishing the name of the dependent; the name, grade, service number, and social security account number of the member; and the date of the member's separation or release from active duty.

(3) When a member is officially placed in a desertion status, the commander effecting such action and who has reason to believe that the member has a dependent receiving health benefits will accomplish the notification prescribed in



subparagraph (2) of this paragraph, if he has or can readily obtain the pertinent information.

(4) When a commander learns that a dependent of a member of his command is receiving health benefits and that the status of the dependent has changed so that the dependent is no longer entitled to such benefits, he will make the notification prescribed in subparagraph (2) of this paragraph.

(5) Upon death of a member, his organization commander will accomplish notification prescribed in subparagraph (2) of this paragraph, if he has reason to believe that the member has a dependent receiving care from civilian sources.

(6) When a retired member ceases to be entitled to retired or retainer pay, or equivalent pay, the official making such a determination will notify the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or appropriate overseas commander that the member and his dependents are no longer entitled to health benefits. Notification will include the name, grade, service number, and social security account number, and last known address of the retired member and the names and relationships of his dependents and their addresses of record.

(7) When a member's eligibility terminates as a result of trial by court-martial, the commander responsible for the individual's personnel records, upon receipt of notice of execution of a punitive discharge, will accomplish notification as prescribed in subparagraph (2) of this paragraph.

(8) When the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or overseas commander receives a notice of eligibility termination or change in eligibility status on a member or dependent who is receiving CHAMPUS benefits, he will notify the fiscal administrators and known providers of care by any expeditious means deemed appropriate that the member's and/or dependent's eligibility for health benefits under the CHAMPUS terminated or will terminate on a specified date, or that the portion of charges which is the patient's responsibility has increased because of retirement or death of the sponsor.

#### § 577.63 Health benefits in uniformed services facilities.

(a) *Eligibility.* (1) Persons eligible for care in uniformed services facilities are listed in § 577.62(a) (1) and (2).

(2) The following facilities of the Public Health Service are not considered uniformed services facilities for the purposes of this regulation:

(i) Contract physician's offices.  
(ii) Indian or Alaska Native medical facilities. (See § 577.65(a) (3) for care of dependents of active duty members in Indian or Alaska Native medical facilities.)

(b) *Authority for providing health benefits.* The furnishing of health benefits to dependents will not be permitted

to interfere with the accomplishment of the primary mission of the uniformed services facility. Health benefits will be furnished to dependents, regardless of service affiliation, assignment, location, or residence except as prohibited by paragraph (i) of this section, subject to the availability of space and facilities and the capabilities of the professional staff. The medical or dental officer in charge of the facility will make such determinations and his decision will be final. When the medical or dental officer in charge of the uniformed service facility does not have sufficient space, facilities, or professional staff to provide non-emergency care to all eligible persons, non-emergency care will be furnished in the following order of priority:

(1) Dependents of active duty members and dependents of members who died serving on active duty.

(2) Retired members and their dependents and the dependents of members who died while in a retired status.

(c) *Determining availability of facilities.* In determining whether or not a uniformed service facility has the capability to provide required health benefits, consideration will be given to the following:

(1) Primary mission of the facility.

(2) Capability of available professional personnel.

(3) Optimum number of patients who can be treated without sacrificing high professional standards.

(4) Optimum utilization of the facility.

(d) *Issuance of nonavailability statements within the United States and Puerto Rico to spouses and children of active duty members residing with their sponsors.* The following policies apply with respect to the issuance of DD Form 1251 (Nonavailability Statement):

(1) When residing with sponsor in an area where there is a uniformed service medical facility, the dependent of an active duty member will apply for inpatient care and outpatient prenatal or postnatal maternity care at that facility. If it is determined that the needed care cannot be provided in the facility or that the facility is not within a reasonable distance of the dependent's residence, it is the responsibility of the commander of the medical facility, or his designee, to furnish the dependent a DD Form 1251.

(2) In some areas there may be medical facilities of two or more uniformed services and the inpatient care or outpatient prenatal or postnatal maternity care required by a dependent residing with sponsor cannot be furnished at the medical facility to which the dependent applies. In such instances the other uniformed services medical facilities in the area will be contacted by a representative of the facility to which the individual applies to determine whether the care can be provided at such facilities. A DD Form 1251 will be issued only after it is determined that the inpatient care is not available at any of the uniformed services medical facilities located within

a reasonable distance of the patient's home. See paragraph (j) of this section on cross-utilization of service facilities.

(3) When residing with sponsor in an area where there is no uniformed service medical facility, the sponsor or dependent will request a DD Form 1251 from the nearest uniformed service installation or off-post activity (except installations and off-post activities of the Environmental Science Services Administration). It is the responsibility of the commander of such installation or off-post activity, or his designee, to furnish the dependent with a DD Form 1251.

(4) In determining what constitutes reasonable distance, no hard and fast distance factor should be established. Each case will be considered individually with first consideration always given to the physical condition of the patient. Other factors to be considered are the time normally required to complete the trip, unusual geographic and transportation factors, such as availability of private or public transportation, and the presence of toll bridges or ferries which would increase unreasonably the time and expense of travel. The fact that a uniformed service medical facility is located in another geographic area, as delineated by a State, county, city, town, or similar boundary does not in itself place the facility outside the area of the dependent's residence. Doubtful or borderline cases will be resolved in the dependent's favor.

(5) In addition to the above reasons, a DD Form 1251 will be issued under the following circumstances:

(i) Upon request for prenatal care, regardless of whether the care can be provided in a uniformed service medical facility if the sponsor's expiration term of service is prior to the dependent's expected delivery date.

(ii) When a dependent requests a therapeutic abortion or surgical procedure to produce sterilization and the medical facility commander determines that such procedure(s) is not medically indicated but that other competent medical authority might reasonably reach a contrary conclusion.

(iii) When a difference of professional opinion exists between a uniformed service physician and a civilian physician and the sponsor or beneficiary elects to use the civilian source of care. In this respect, the refusal or failure to carry out a proposed treatment procedure, including surgical, in a uniformed services facility on the basis of the opinion of the military physician(s) that the treatment is not medically indicated, constitutes nonavailability of such treatment at the facility.

(iv) When an expectant mother wishes to utilize the method known as "natural child birth."

(6) The DD Form 1251 (four-part set) will be signed by the issuing officer. Three copies will be furnished the patient: one to be given to the attending physician, one to the civilian inpatient facility, and one for retention by the patient. The remaining copy will be retained by the issuing authority.



(7) The issuing authority will explain to the patient or other responsible family member that the DD Form 1251 is for immediate use and must be presented to the civilian providers of care if the patient seeks inpatient care, including outpatient prenatal or postnatal care which is to be paid as inpatient care. He will also explain to the patient or other responsible family member that, except in unusual circumstances, payment will not be made by the Government for care provided in and billed by a civilian facility which has been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients and will not reimburse a patient who pays for care in such an ineligible facility and subsequently submits a claim for reimbursement. See § 577.70 for list of ineligible facilities.

(8) Patients will not be referred to a specific civilian source of care.

(9) An issuing authority may issue a DD Form 1251 on a retroactive basis to cover civilian inpatient care already commenced or completed when it is determined that the DD Form 1251 could have been issued before the inpatient care was commenced if application had been made. DD Form 1251 issued under these circumstances will bear a statement in the "Remarks" section of the form that it was issued on a retroactive basis and will show the effective date.

(10) Pending revision of DD Form 1251, each DD Form 1251 issued will be annotated under "Remarks" as follows: "Any nonemergency medical care obtained through the use of this statement must be in hospitals which do not discriminate in their admission and treatment practices on the basis of race, color, or national origin."

(11) Surgeons General and the Deputy Assistant Secretary of Defense (Health Affairs) or their designees are authorized to issue DD Form 1251 in special and unusual cases.

(e) *Health benefits authorized retired members.* Retired members are entitled to the same health benefits in uniformed services facilities as active duty members, subject to the availability of space and facilities and the capabilities of the professional staff; the provisions of Executive Order 10122, April 14, 1950, as amended by Executive Order 10400, September 29, 1952; and the priorities established in paragraph (b) of this section. See individual service regulations for details.

(f) *Health benefits authorized dependents.* Subject to the availability of space, facilities, and the capabilities of the professional staff and to the priorities established in paragraph (b) of this section, dependents are authorized the following health benefits in uniformed services facilities:

(1) Inpatient care, including services and supplies normally furnished by the hospital.

(2) Outpatient care and services.

(3) Drugs. Prescriptions written by either uniformed services or civilian physicians or dentists will be filled at uniformed services facilities, subject to

the availability of pharmaceuticals, and consistent with control procedures and applicable laws.

(4) Treatment on an inpatient or outpatient basis of—

(i) Medical and surgical conditions.

(ii) Nervous, mental, and emotional disorders.

(iii) Chronic conditions and diseases.

(iv) Contagious diseases.

(5) Physical examinations, including eye examinations and hearing evaluation, and all other tests and procedures necessary for a complete physical examination.

(6) Immunizations.

(7) Maternity (obstetrical) and infant care, routine care and examination of the newborn infant and well-baby care.

(8) Diagnostic tests and services, including laboratory and X-ray examinations.

(9) Family planning services and supplies, including counseling and guidance. These services and supplies will be provided in accordance with sound medical practice to any dependent upon request.

(10) Dental care may be provided outside the United States. Within the United States, routine dental care may be provided only at installations which, under the provisions of paragraph (i) of this section, have been specifically authorized to provide such care. At such designated installations, routine dental care may be provided only to those dependents who reside in the area that the appropriate Secretary determined had inadequate civilian facilities. At installations within the United States not authorized to provide routine dental care, dental care is limited to—

(i) Emergency dental or oral care.

(ii) Dental care, including restorative dentistry and dental prosthetic devices, deemed necessary as an adjunct to medical or surgical treatment of a disease, condition, or injury.

(iii) Preventive measures including the fluoridation of water and preventive dentistry programs.

(iv) The taking of diagnostic X-rays.

(v) Consultation services.

(11) Government ambulance service, surface or air, to transport dependents to, from, or between medical facilities when determined by the medical officer in charge to be medically necessary.

(12) Home calls when determined by the medical officer in charge to be medically necessary.

(13) Artificial limbs and artificial eyes, including initial issue, fitting, repair, replacement, and adjustment.

(14) Durable equipment, such as wheelchairs, hospital beds, resuscitators may be issued on a loan basis.

(15) Orthopedic aids (except orthopedic footwear), braces, crutches, walking irons, elastic stockings, and similar aids.

(16) Special lenses or contact lenses for those eye conditions which require these items for complete medical or surgical management of the condition.

(g) *Health care not authorized dependents.* The following health care

may not be provided dependents in uniformed services facilities:

(1) Domiciliary or custodial care.

(2) Prosthetic devices (other than artificial limbs, artificial eyes, and dental prostheses as authorized in paragraph (f)(10) of this section), hearing aids, orthopedic footwear, and spectacles or contact lenses for the correction of ordinary refractive error. However, these items may be sold to dependents at cost to the Government at the following locations:

(i) Outside the United States.

(ii) At specific stations within the United States which have been authorized to sell these items by the Secretary of the Army, Navy, or Air Force after approval by the Secretary of Defense, or by the Administrator, Health Services and Mental Health Administration, Public Health Service, after approval by the Secretary of Health, Education, and Welfare. Requests from stations for authorization to sell these items will be submitted to the appropriate Surgeon General and contain justification similar to that listed in paragraph (i) of this section.

(3) Dental care except as authorized in paragraph (f)(10) of this section.

(h) *Care beyond the capabilities of the medical facility.* When a retired member or a dependent requires authorized care beyond the capabilities of the medical facility, the commanding officer or officer in charge of the facility is authorized to arrange for the required care by one of the following means:

(1) Transfer the patient, if he agrees to such transfer, to the nearest medical facility of the uniformed services where the required care is available.

(2) If a retired member, arrange for transfer of the patient, if he agrees to such transfer, to the nearest Veterans Administration medical facility where the required care is available.

(3) Obtain from civilian sources the necessary supplemental material and professional and personal services required for the proper care and treatment of the patient. This option may be utilized regardless of whether the patient is being treated on an inpatient or outpatient basis. Normally, the civilian services will be performed in the uniformed services facility; however, when such action is not feasible, patients may be sent to civilian facilities for specific treatment or services provided they remain under the jurisdiction of the facility or station commander during the entire period. Under these conditions, charges for such material or services will be paid from funds available to operate the uniformed service facility having primary responsibility for care of the patient.

(4) If eligible for civilian care under the CHAMPUS (dependent parents and parents-in-law are not eligible for care under CHAMPUS), cooperate in release of the patient to a civilian inpatient facility or in the case of outpatient care, to a civilian physician of the patient's or sponsor's choice. Prior to such release,



the patient's share of the expenses for civilian medical care (§ 577.64(g)) must be explained to the sponsor, patient, or other responsible family member.

(5) The Government may not pay for care under subparagraphs (3) and (4) of this paragraph if provided at and billed by facilities which have been found by the Department of Defense to practice discrimination in the admission and/or treatment of patients.

(i) *Routine dental care for dependents in the United States.* Dependents are authorized routine dental care only at those installations within the United States which have been authorized, on an individual basis, to provide routine dental care to dependents. Authorization is made by the Secretary of the Army, Navy, or Air Force upon approval of the Secretary of Defense or by the Administrator, Public Health Service, upon approval of the Secretary of Health, Education, and Welfare. At such designated installations, routine dental care may be provided only to those dependents who reside in the area that the appropriate Secretary determined had inadequate civilian facilities. Local commanders may request that consideration be given to authorize routine dental care for dependents at their installation if the per capita of civilian dentists in active practice within a 30-mile radius of the installation is below the average of one dentist per 2,000 population. They also will consider unusual and geographic conditions, and transportation factors such as toll bridges or ferries which could unreasonably increase the time and expense of travel. Notwithstanding the foregoing criteria, when a local commander believes that adequate justification exists, he may request authorization for the installation to provide routine dental care to dependents. All requests for consideration will be submitted to the appropriate Surgeon General and will include the following:

(1) Distance dependents residing on the installation must travel to obtain civilian dental care. Include any unusual travel considerations.

(2) The number of civilian dentists engaged in active practice within 30 miles of the installation.

(3) The civilian population, including dependents of uniformed services personnel, who reside within 30 miles of the installation.

(4) The dependent population residing on or adjacent to the installation.

(5) The total number of dependents who would be eligible for dental care at the uniformed services dental facility if the installation was authorized to provide routine dental care.

(6) The availability of specialized dental services within 30 miles of the installation.

(7) The capability of the uniformed service dental facility to provide dental care to dependents in the area.

(8) Statement concerning excessive costs, if any, for civilian dental service in the community.

(9) Examples of unusual delays, if any, in obtaining civilian dental service.

(10) Statement from the State dental society setting forth its position concerning the proposed authorization that the installation provide routine dental care to dependents. If opposed, the dental society will be requested to furnish detailed information on so many of the above items as are applicable.

(j) *Cross-utilization of uniform services facilities.* To provide effective cross-utilization of medical and dental facilities of the uniformed services, eligible persons, regardless of service affiliation, will be given equal opportunity for health benefits. In areas where facilities of two or more uniformed services are available, the appropriate officials of each service will participate jointly in determining capabilities and establishing areas of responsibility for care. Delineation of such areas will include:

(1) Zone boundaries and the facility serving each zone.

(2) Provision that dependents who reside in a zone served by a facility not of the sponsor's own service may obtain care at that facility or at a facility of the sponsor's service located in another zone. For exception see paragraph (f) (10) of this section with respect to dental care in the United States.

(3) Provision that if the facility to which the dependent applies cannot furnish the needed care, the other facility or facilities in the area will be contacted to determine whether care can be provided at another facility.

(k) *Charges for health benefits in uniformed services facilities.* The patient will be charged as follows:

(i) *Inpatient care.* (i) Retired officers and warrant officers—the subsistence rate applicable during the period of hospitalization. (See individual service regulations.)

(ii) Retired enlisted members—no charge. (See individual service regulations.)

(iii) Dependents—\$1.75 a day. No charge will be made for newborn infants, regardless of whether they are legitimate or illegitimate, while the mother is a patient in the hospital. In cases where the mother is discharged from the hospital and the legitimate infant remains as a patient, charges will be \$1.75 per day. In those cases when an illegitimate infant remains in the hospital and is not an eligible dependent, charges for the infant's care following the mother's discharge from the hospital will be in accordance with the regulations and/or directives of the service providing the care.

(2) *Outpatient care.* No charge.

(3) *Inpatient care for dependents who become ineligible for health benefits.* When a dependent is an inpatient on the date that an event occurs which makes him ineligible for health benefits under the Uniformed Services Health Benefits Program (§ 577.62(c)) and continuation of the inpatient care in the uniformed services facility is deemed necessary by the medical officer in charge, charges will be in accordance with the regulations and/or directives of the service providing the care.

#### § 577.64 Basic program of CHAMPUS benefits for dependents and retired members.

(a) *General.* (1) Persons eligible for CHAMPUS benefits are listed in §§ 577.62(a) and 577.69(c).

(2) Persons requesting CHAMPUS benefits must establish their eligibility by the identification procedures prescribed in § 577.61. In addition, for civilian inpatient care and certain outpatient care (pre- and post-natal maternity care), spouses and children of active duty members who reside with their sponsor within the United States and Puerto Rico are required to provide civilian sources of care with a DD Form 1251 except when the conditions outlined in § 577.62(a) (1) (iv) prevail.

(3) Unless unusual circumstances exist, the Government will not pay for either inpatient or outpatient care provided in and billed by a facility identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients (§ 577.60(f)).

(4) When seeking civilian health benefits, eligible persons should be encouraged to obtain service from providers of care who will participate in CHAMPUS. Participation means providing services, a willingness to submit claims, and acceptance of the reasonable charge as payment in full for the services provided. When an eligible beneficiary obtains care from a participating provider of care, the provider of care, when filing his claim, signs a certification on the claim form to the effect that he will accept the reasonable charge as payment in full for the authorized services and/or supplies furnished. Thus, the patient is not obligated to pay any disallowed portion of the charges for authorized care. If an eligible person obtains care from a provider of care who will not participate in the CHAMPUS, the patient may submit a claim as outlined in paragraph (i) of this section. In such cases, payment for the services will be made only in the amount that would have been paid to the provider of care had the provider of care participated in the CHAMPUS and any disallowed portion of the charges would be for resolution between the patient and physician and would not involve CHAMPUS.

(b) *Authorized medical benefits.* In general, any procedures and types of care, regardless of whether furnished on an inpatient or outpatient basis, which are generally accepted as being part of good medical practice, other than those which are specifically excluded by law as set forth in paragraph (d) of this section, are authorized CHAMPUS benefits provided the benefits are not furnished in a civilian facility which has been found by the Department of Defense to practice discrimination (§ 577.70). Authorized benefits include but are not limited to—

(1) Inpatient care.

(2) Treatment of—

(i) Medical and surgical conditions.



(ii) Nervous, mental, and emotional disorders. See paragraph (e) of this section for review requirements.

(iii) Chronic conditions and diseases. See paragraph (e) of this section for review requirements.

(iv) Contagious diseases.

(3) Maternity (obstetrical) and infant care including prenatal care, delivery, postnatal care, treatment of complications of pregnancy, and inpatient care of newborn infant.

(4) Diagnostic tests and services including X-ray, laboratory, basal metabolism, electrocardiogram, electroencephalogram, and radioisotope examinations.

(5) Anesthetics and oxygen and their administration.

(6) Blood transfusions including the cost of blood and blood plasma, except when donated or replaced, and blood plasma expanders. Any person providing blood for a patient undergoing treatment under the CHAMPUS may be paid therefor at the local prevailing rate provided the sum of \$50 for each withdrawal is not exceeded.

(7) Radiation therapy.

(8) Physical therapy.

(9) Orthopedic braces (except orthopedic shoes) and crutches.

(10) Dental care, including restorative dentistry and dental prostheses, required as a necessary adjunct in the treatment or management of a medical or surgical condition other than dental and which may be anticipated to exert a beneficial effect on the primary medical or surgical condition or its sequelae. Also, surgical removal of the pulp and restoration of the tooth or teeth in the case of wounds, fractures, lacerations, and dislocations.

(11) Artificial limbs and artificial eyes.

(12) Special lenses or contact lenses for those eye conditions which require these items for complete medical or surgical management of the condition. Also, eye examinations performed by an ophthalmologist or doctor of optometry for the purpose of ruling out a pathological condition.

(13) Services of a physician; doctor of optometry when practicing within the scope of his license; and, when ordered by a physician as essential for the proper care and treatment of the patient, services of other professional personnel: Services of such persons are authorized when for treatment of the conditions listed in this paragraph (b). Other professional persons include, but are not limited to, physical therapists, anesthetists, psychologists, speech therapists, speech pathologists, audiologists, social workers, occupational therapists, nurses, and similar practitioners. Such persons must be licensed if the jurisdiction in which located requires licensure. If the jurisdiction in which located does not require licensure, they must be eligible for membership in the State or national association setting the standards for their respective group. Also included, when ordered by a physician, are the services normally provided by Pastoral Counseling and Consultation

Centers, or similar organizations employing qualified professional and pastoral personnel.

NOTE: The services of chiropractors are not authorized.

(14) Immunizations when required as a part of medical treatment.

(15) Physical examinations for diagnostic purposes.

(16) Physical examinations and immunizations not for diagnosis or treatment only when required by spouses and children of active duty members for travel outside the United States under orders in relation to the member's duty assignment.

(17) Family planning services including counseling and guidance. This includes premarital counseling, diagnostic tests, and drugs and devices obtainable only by prescription. Also includes surgical procedures to produce sterilization provided such procedures are consistent with the medical and legal standards of practice in the applicable jurisdiction.

(18) Abortions provided such procedures are consistent with the medical and legal standards of practice in the applicable jurisdiction.

(19) Drugs and medicines obtainable only by prescription.

(20) Insulin.

(21) Rental of durable equipment such as wheelchairs or hospital beds. The rental of durable equipment is authorized regardless of whether or not the beneficiary is under active clinical care.

(22) Home calls when medically necessary.

(23) Necessary services and supplies ordered by the attending physician, or by other professional persons whose services were ordered by a physician, except those excluded by paragraph (d) of this section.

(24) Non-Government ambulance service (surface or air) when medically necessary.

(c) *Authorized Christian Science benefits.* The following Christian Science benefits are authorized under the CHAMPUS:

(1) Inpatient care in sanatoriums operated, or listed and certified by, the First Church of Christ, Scientist, Boston, Mass.

(2) Services of Christian Science practitioners listed as such in the Christian Science Journal current at the time the service is provided. Such services may not include so-called absent treatment.

(3) Services of Christian Science nurses who are listed in the Christian Science Journal current at the time the service is provided. The services of a Christian Science nurse for home nursing services or as a private duty nurse are also authorized provided the services are ordered by a Christian Science practitioner.

(4) Necessary services and supplies ordered by the attending Christian Science practitioner.

(d) *Health care not authorized.* The following health care is not authorized under the CHAMPUS:

(1) Domiciliary or custodial care.

(2) Physical examinations and immunizations not for diagnosis or treatment except when required by spouses and children of active duty members for travel outside the United States under orders in relation to the member's duty assignment.

(3) Routine well-baby care, except in-hospital care of the newborn.

(4) Spectacles or examinations for correction of ordinary refractive errors, except special lenses or contact lenses for those eye conditions which require these items for complete medical or surgical management of the condition and eye examinations performed by an ophthalmologist or doctor of optometry for the purpose of ruling out a pathological condition.

(5) Prosthetic devices (other than artificial limbs, artificial eyes, and dental prostheses as authorized in paragraph (b)(10) of this section), hearing aids, and orthopedic footwear.

(6) Dental care except as authorized in paragraph (b)(10) of this section.

(e) *Management plans for patients with chronic conditions or nervous, mental, and emotional disorders.* All beneficiaries who require continuous inpatient care for a period in excess of 90 days for treatment of a chronic condition or a nervous, mental, or emotional disorder must have a plan for management of the condition approved by the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, in order to qualify as an authorized benefit. Factors to be considered by the approving official include, but are not limited to, whether the care could be provided more effectively or economically in other facilities and whether the dependent will significantly benefit from the proposed care.

(1) Either prior to admission or as soon as possible after a beneficiary has been admitted to an inpatient facility for treatment of such a condition and, in the opinion of the attending physician, inpatient care will be required for more than 90 days, a request for approval of a plan for management of the condition will be submitted to the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate. Normally, the service member or other responsible family member will forward the request. The request will include the following information:

(i) Name, grade, service number, and social security account number, branch of service, and duty assignment of the service member when the patient is a dependent of an active duty member; name, grade, service number, and social security account number, branch of service, and home address of the retired member when the patient is the retired member or the dependent of a retired member; name, grade, service number, and social security account number, and branch of service of the deceased service member when the patient is the spouse or child or a deceased active duty or retired member.



(ii) Patient's identification card number, effective date thereof and expiration date thereon.

(iii) When the patient is a dependent, the name, address, age, and relationship of the patient to the service member.

(iv) Name and address of hospital or other inpatient facility in which care is being provided.

(v) Statement of the patient's condition which includes the following information:

(a) Diagnosis.

(b) History of the patient's disability, present condition, prognosis, and expected duration of treatment.

(c) Proposed plan for management of the condition, including estimated costs (daily or monthly costs, as applicable).

(vi) After diagnosis by the attending physician, the statement required by subdivision (v) of this subparagraph may be signed by, but not limited to, hospital administrator, registrar, record librarian, or administrator of a clinic or medical group. Also, this statement may be submitted directly to the approving authority by the attending physician if he so desires.

(2) Payment for inpatient care in excess of 90 days may be made without an approved plan under the following conditions:

(i) When a plan for management of the condition has been filed within the 90-day period referred to above, payment of the Government's portion of the cost may continue, in the case of a plan which is not approved, through the day on which the civilian inpatient facility is notified of the disapproval.

(ii) When a plan for management of the condition has been filed within the 90-day period referred to above but the review process is not completed within the 90-day period, payment may be made for the Government's portion of the cost for the interim period if the plan is subsequently approved.

(iii) When a plan for management of the condition is received by the approving authority after the 90-day period and it is determined that, had it been received at the proper time, extension of the period of inpatient care would have been authorized, payment of the Government's portion of the cost may be made for the interim period.

(iv) The Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, may make exceptions to the requirement for an approved plan within 90 days in order to avoid undue hardship in a particular case or in order not to penalize a source of care which has acted in good faith.

(3) In long-term cases, the plan for management of the condition will be reviewed on an annual basis, or sooner when appropriate, by the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate. Payment will not be discontinued in such cases without prior coordination with the appropriate Surgeon General.

(4) The Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, will notify the individual submitting the request for approval of the management plan, of his decision and of any changes in an approved plan which are made as the result of the scheduled review.

(f) *Transfer to a uniform services facility.* Any patient receiving inpatient care under CHAMPUS may be transferred to a hospital of the uniformed services, subject to the availability of space and facilities and the capabilities of the professional staff. Government transportation may be utilized for transfer. When Government transportation is not available, non-Government ground or air ambulance service may be provided under the CHAMPUS. In such cases, a physician will furnish the patient, sponsor, other responsible family member, or the ambulance supplier, as appropriate, with a statement that the patient has been treated as an inpatient and the medical necessity for the ambulance.

(g) *Payment for health benefits.* Payment of the reasonable charges for authorized health benefits will be made by the Government to providers of care subject to the applicable deduction of any portion of reasonable charges payable by the patient. The patient and the Government will share the cost as shown in the table appearing at the end of this section when authorized benefits have been obtained from a participating provider of care.

(h) *Policies.* The following policies apply with respect to payment for authorized civilian health benefits:

(1) *Inpatient facility accommodations.* Inpatient care normally will be provided in semiprivate accommodations. A private room is an allowable benefit only under the following circumstances:

(i) When the attending physician certifies that a private room is required for the proper care and treatment of the patient.

(ii) When a patient is admitted to an inpatient facility having only private rooms.

(iii) When all semiprivate rooms are filled in the inpatient facility to which admitted. When a private room is provided under other than the foregoing conditions, the patient will be required to pay the difference between the cost of the private room and the average daily accommodations may be used for pediatric charge for semiprivate accommodations. Ward cases whenever this is the normal practice of the inpatient facility and the parent or guardian accepts such accommodations. Further, when a patient is admitted to an inpatient facility in which all semiprivate accommodations are filled, care furnished in ward accommodations is authorized but the patient should be transferred to a semiprivate room as soon as possible. Also, when a patient is admitted to an inpatient facility which has only ward ac-

commodations, care furnished therein is considered authorized care.

(2) *Professional services.* Payment of the Government's portion of the charges for professional services is authorized as follows:

(i) Payment of physicians, including necessary consultants, in the United States and Puerto Rico will be made on the basis of the reasonable charge for the service provided as determined by the fiscal administrator in accordance with the provisions of the contract. In cases involving unusual effort or skill a determination of the amount payable will be made by the fiscal administrator after review by an appropriate medical committee(s). In areas other than the United States and Puerto Rico, the standard charge for such services in the locality concerned normally will be used as a guide in determining the amount payable.

(ii) Payment of private duty nurses will be made on the basis of the reasonable charge for the service provided when the attending physician certifies that such services were required for the proper care and treatment of the patient.

(iii) Payment of other professional persons will be made on the basis of the reasonable charge for the service provided when the services were ordered by the attending physician.

(iv) Payment of doctors of optometry will be made on the basis of the reasonable charge for the service provided.

(3) *Outpatient psychiatric care paid as inpatient care.* Psychiatric day care provided in psychiatric treatment facilities may be paid as inpatient care provided it occupies a minimum of 4 hours daily for at least 3 days a week. Otherwise, it is payable as outpatient care.

(4) *Drugs.* (i) Authorized outpatient pharmaceutical services provided by a participating civilian pharmacy in the United States and Puerto Rico are payable to the vendor pharmacy on the basis of actual acquisition cost of ingredients plus an established professional fee. In other geographic areas, the charge made to the general public in the locality concerned normally will serve to determine the amount payable. In all geographic areas, insulin will be paid on the basis of usual retail charges made to the general public.

(ii) Drugs administered by injection by a physician in his office will be paid on a reasonable charge basis. The cost of disposable syringes and needles used by the physician in administering the drugs is considered to be within his fee for the office visit.

(iii) Drugs obtainable only by prescription which are furnished a patient by a physician are payable at the actual acquisition cost to the physician.

(iv) Drugs dispensed to a patient in an inpatient status are considered inpatient benefits for the purpose of computing the patient's share of the charges regardless of whether they are consumed in the hospital or are "Take Home Drugs."



(v) Syringes and needles purchased by an individual for self-injection of drugs prescribed by a physician are payable as outpatient benefits.

(5) *Maternity care.* (i) When an obstetrical patient is hospitalized for delivery or is otherwise hospitalized for care required in direct connection with the pregnancy, all prenatal and postnatal care related to the pregnancy, including outpatient postnatal treatment of complications which are the direct result of the pregnancy or delivery, shall be considered as inpatient care for the purpose of computing the patient's share of the charges. Additionally, all hospital admissions of an obstetrical patient required for the proper management of the pregnancy, delivery, or treatment of complications directly related thereto, shall be considered as one admission.

(ii) Payment is authorized for maternity care furnished an unmarried dependent. This includes payment for the care of the illegitimate infant for the period of time that the mother remains as a patient in a hospital. In cases where the mother is discharged from the hospital and the illegitimate infant remains, charges for the infant's care following the mother's discharge from the hospital are not payable unless the infant meets the requirements of a dependent child (§ 577.60(b) (6) (ii) (b)).

(iii) When a dependent elects to deliver outside a hospital and is not otherwise hospitalized in connection with the pregnancy, prenatal care, delivery, and postnatal care are payable as outpatient benefits. However, if the mother, or the mother and infant, are admitted to a hospital for emergency treatment incident to the pregnancy, payment of the charges for the prenatal care, delivery, and postnatal care are payable as inpatient benefits with the mother and infant considered as one entity for the length of time that the mother remains in the hospital for treatment of the condition incident to the delivery. In the event only the infant is admitted to a hospital, payment for the mother's care must be made on the basis that she received outpatient care.

(iv) When a dependent anticipated delivery in a hospital but delivers en route to the hospital or prior to actual admission, payment of the hospital charges for care of both the mother and infant, regardless of whether admitted as separate patients, will be the same as if delivery had occurred in the hospital, i.e., mother and infant considered one entity for the length of time the mother remains in the hospital as a result of the delivery.

(v) Claims for prenatal care for dependents of active duty members residing with their sponsor which are supported by a Nonavailability Statement are payable as inpatient benefits whereas those not supported by a Nonavailability Statement are payable as outpatient benefits.

(6) *Outpatient care related to a period of inpatient care.* When a patient is hospitalized for a medical or surgical

condition, including treatment for a bodily injury or for psychiatric care, the following services and supplies will be considered as inpatient care for the purpose of computing the patient's share of the charges:

(i) Authorized services and supplies, including drugs, provided or ordered by a physician during a period not to exceed 30 days before and 120 days after the hospitalization, which are directly related to the condition for which hospitalized. Exception: Authorized drugs prescribed by the physician and procured by the patient from a civilian pharmacy are payable as outpatient benefits.

(ii) Diagnostic tests and procedures performed or authorized by the attending physician during a period not to exceed 30 days before and 120 days after the hospitalization and directly related to the condition for which hospitalized.

(7) *Successive admissions to inpatient facility for conditions other than maternity.* Successive inpatient admissions for similarly recurring procedures or for treatment of the same condition will be considered as one admission for the purpose of computing the patient's share of the charges, provided not more than 30 days elapsed between the successive admissions.

(8) *Death in emergency room of inpatient facility.* When a patient receives treatment in an inpatient facility emergency room and death occurs in the emergency room prior to formal admission to the facility as an inpatient, or is declared dead on arrival at the inpatient facility, charges of both the inpatient facility and fees of professional personnel will be paid at the inpatient rate. Additionally, if an ambulance was used to transport the patient to the inpatient facility, charges for the ambulance service will be paid at the inpatient rate.

(9) *Participation by noneligible persons in psychiatric treatment programs.* It is an accepted practice in therapy to include various family members in the initial evaluation and subsequent treatment of a patient. Therefore, the following applies:

(i) Family members and substitute family members who, in their own right are not eligible for CHAMPUS benefits, may be involved in diagnostic and treatment programs, if in the judgment of the therapist it is required to insure proper management of the patient. There is no administrative limitation on the number of times ineligible persons may be interviewed or the length of time they may be included in the treatment program provided the purpose of such inclusion is clearly related to the treatment of the eligible patient.

(ii) Such cases must be supported by a special report (§ 577.60(c) (7)) and billing for the treatment of the eligible patient will include charges resulting from the inclusion of noneligible persons in the evaluation and treatment program.

(10) *Care in noninpatient facilities.* Professional services, including nursing care, medications, and physician charges,

furnished to a patient in a nursing home or other facility which does not qualify as an inpatient facility are payable as outpatient benefits. Nonprofessional services, such as room and board laundry, housekeeping and custodial services, and sundry items are not authorized benefits.

(11) *Home nursing services.* The services of a professional registered nurse, licensed practical nurse, licensed vocational nurse, or technical registered nurse outside an inpatient facility are payable as outpatient benefits when the attending physician certifies that the services are medically necessary. When a professional registered nurse, licensed practical nurse, licensed vocational nurse, or technical registered nurse is not available, the services of a practical nurse are authorized provided the claim is supported by a statement indicating that no other nurse was available and that the practical nurse in question is competent to perform the required services. Home nursing services are not authorized for a patient who requires only domiciliary/custodial care.

(12) *Ambulance service (surface or air).* When non-Government ambulance service is medically necessary to move a patient to, from, or between hospitals and such patient is admitted as an inpatient to an inpatient facility, charges for the ambulance service are payable as inpatient benefits. When the patient is not admitted to an inpatient facility as an inpatient, charges for the ambulance service are payable as outpatient benefits. This policy also applies when a Government ambulance is not available and a non-Government ambulance is used to move a patient to, from, or between uniformed services medical facilities.

(13) *Services relating to transplants.* CHAMPUS will share in the reasonable charges related to the transfer of major organs of the body between patients, such as kidney transplants, provided the recipient of the organ is eligible for CHAMPUS benefits. If the recipient of the organ is not eligible for CHAMPUS benefits, then no part of the charges are payable from CHAMPUS funds even though the donor may be eligible for CHAMPUS benefits. Treatment of unfortunate sequelae is authorized in the case of a donor who is eligible for CHAMPUS benefits but is not authorized in the case of a donor who is not eligible for CHAMPUS benefits. For billing purposes, all claims should identify the recipient, i.e., section I (first 13 items) of the claim form (paragraph (i) of this section) should contain information applicable to the recipient. Claims for care provided the donor must identify the recipient in section I of the claim form but should have a statement attached explaining that the charges shown are for care provided the donor and should fully identify the donor.

(14) *Dental care.* (i) When a patient is hospitalized for nonadjunctive dental care, hospital charges and fees for professional services required because



of hospitalization are payable under CHAMPUS but the fees of the dentist are not payable.

(ii) In those cases involving treatment of wounds, fractures, dislocations, and lacerations that are cared for by doctors of dental surgery and/or doctors of dental medicine, diagnosis and referral by a doctor of medicine or doctor of osteopathy is not required.

(15) *Ritual circumcisions.* Claims for circumcisions performed by a mohel which are otherwise payable, may be paid from CHAMPUS funds, subject to the following considerations:

(i) The costs of the services provided will not exceed the allowable charge for the procedure in question in the area concerned. (The difference, if any, between the amount payable and the mohel's total fee will be considered as covering the ritual portion of the services provided and hence, not payable under a health care program.)

(ii) When services are provided in the United States, the mohel must hold an appointment on the staff of a hospital which meets the requirements prescribed in § 577.60(c)(2)(i).

**NOTE:** Claims for services performed by a rabbi who is not also a mohel are not payable under CHAMPUS.

(16) *Outpatient surgery.* Surgery provided in an ambulatory surgical center (§ 577.60(c)(2)(vi)) and surgery performed in the outpatient department of a hospital (§ 577.60(c)(2)(i)) is payable as inpatient care. DD Form 1251 (Non-availability Statement) is not required for this care.

(i) *Claims.* The following provisions apply with respect to submission of claims for CHAMPUS benefits:

(1) *Claim forms.* The claim forms listed in subdivisions (i) through (iv) of this subparagraph will be used to submit claims for payment of CHAMPUS benefits. Appropriate forms have been distributed to most inpatient facilities and providers of care in the United States and Puerto Rico. All forms, except DA Form 1863-3, may be obtained from the appropriate fiscal administrator (§§ 577.71 and 577.72) of the State of residence; Executive Director, OCHAMPUS; Executive Director OCHAMPUSEUR; or the appropriate overseas commander, DA Form 1863-3 may be obtained from the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or the appropriate overseas commander.

(i) DA Form 1863-1 (Services and/or Supplies Provided by Civilian Hospitals). This form is for use by civilian inpatient facilities. It may also be used by beneficiaries to obtain the Outpatient Deductible Certificate (subparagraph (3) of this paragraph), and to file claims for reimbursement or for payment of itemized unpaid bills (subparagraph (6) of this paragraph).

(ii) DA Form 1863-2 (Services and/or Supplies Provided by Civilian Sources (Except Hospitals)). This form is for use by all civilian providers of services except inpatient facilities, vendor pharmacies in the United States and Puerto Rico, and

providers of benefits under the Program for the Handicapped (§ 577.66). This form normally will be used by beneficiaries to obtain the Outpatient Deductible Certificate (subparagraph (3) of this paragraph) and to file claims for reimbursement or for payment of itemized unpaid bills (subparagraph (6) of this paragraph).

(iii) DA Form 1863-3 (Services and/or Supplies—Handicapped Program). This form is for use by all providers of care for benefits furnished under the Program for the Handicapped (§ 577.66). It is also for use by beneficiaries filing claims for reimbursement or for payment of itemized unpaid bills under the Program for the Handicapped.

(iv) DA Form 1863-4 (Prescription Billing—Outpatient Pharmaceutical Services (CHAMPUS)). This form is for use by vendor pharmacies in the United States and Puerto Rico.

(2) *Claims for inpatient benefits.* Beneficiaries will pay (or incur the legal obligation to pay) their share of charges for inpatient care directly to the providers of services and will complete section I of DA Form 1863-1 (Civilian Hospitals) and section I of DA Form 1863-2 (Civilian Sources) for the providers of services. The providers of services will then complete the remainder of the claim forms and will submit them to the fiscal administrator; overseas commander; Executive Director, OCHAMPUS; or Executive Director, OCHAMPUSEUR, as appropriate, for payment of the Government's portion of the reasonable charges. When the total inpatient facility charges for inpatient care for a spouse or child of an active duty member is \$25 or less, the patient will pay the charges as a direct transaction not involving the Government.

(3) *Claims for Outpatient Deductible Certificate.* Each individual or family group will obtain itemized bills or itemized receipts and pay, or incur the obligation to pay, directly to the provider of services until the annual outpatient deductible is met each fiscal year. A fiscal year is from July 1, each year to June 30, the following year. Whether the \$50 or \$100 deductible shall apply in a given case depends on the number of beneficiaries in the family for which benefits are being claimed in the fiscal year. For example, if a member has a wife and child but only the child requires care during the fiscal year, the \$50 deductible would apply. Payments made, or obligations incurred, for unauthorized health benefits (paragraph (d) of this section) and payments for inpatient care cannot be used to satisfy the deductible. Neither can a carryover of outpatient charges from one fiscal year to the next be allowed nor can the 20 or 25 percent of the charges paid by a patient after receipt of the Outpatient Deductible Certificate be applied against the second \$50 deductible payable collectively by other members of the family toward satisfying the \$100 family group deductible. For the purpose of computing the deductible, an expense is incurred on the date the service or sup-

ply for which a charge is made is received, regardless of the date of the bill or the date on which payment is made.

(i) When payments have been made, or obligations incurred, which equal or exceed the deductible amount for the fiscal year, the patient, sponsor, or other responsible family member will submit a claim by completing section I of DA Form 1863-1 or DA Form 1863-2 and attaching thereto the itemized bills or itemized receipts. Physicians' bills or receipts must show the patient's name, diagnosis or nature of illness or injury, care or service provided and dates thereof, and the charges. Drug bills or receipts must show the name of the pharmacy, name of the patient, prescription number, date filled and the charges. In the case of insulin, no prescription number is required, but the receipt or bill must show "insulin." Cash register receipts will not be accepted in lieu of itemized bills or itemized receipts. The claim form, together with the itemized bills or itemized receipts, will be submitted to the appropriate fiscal administrator as follows:

(a) Fiscal administrator for the State or area in which services were obtained (app B) for outpatient services in the United States and Puerto Rico. If outpatient care was received in two or more States but the charges in any one State do not satisfy the deductible, the claim should be submitted to the fiscal administrator of the State where the greatest amount of care was obtained. In such cases, the charges will be combined and credited towards the deductible.

(b) Executive Director, OCHAMPUS, for outpatient services obtained in Canada and Mexico.

(c) Executive Director, OCHAMPUSEUR, for outpatient services obtained in countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.

(d) The appropriate overseas commander for outpatient services obtained in areas other than the United States, Puerto Rico, Canada, Mexico, countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.

(ii) After adjudication of the claim by the appropriate fiscal administrator, the patient or family group will be issued an Outpatient Deductible Certificate for the appropriate fiscal year and will be reimbursed 75 or 80 percent, as appropriate, of any reasonable charges paid, or obligations incurred, in excess of the required deductible. No payments will be made to the provider of care unless the provider of care submits the claim and the amount due exceeds the deductible.

(iii) A separate claim form must be submitted for each family member who received authorized benefits and for whom itemized bills or itemized receipts are submitted to the fiscal administrator. Any number of itemized bills or itemized receipts for a single family member



may be attached to the claim form for that family member.

(d) *Claims for outpatient benefits after receipt of Outpatient Deductible Certificate.* When seeking outpatient care after receipt of the Outpatient Deductible Certificate, the patient will show the certificate to the participating provider of care and will then pay the provider of care the appropriate 20 or 25 percent of the charges. The patient must also complete section I of the applicable claim form for the provider of care.

(i) The provider of care will submit the applicable claim form for payment of the balance of the reasonable charges to the fiscal administrator; Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate. The administrative instructions and guidance furnished civilian sources of care by the Executive Directors, fiscal administrators, and oversea commanders encourages the submission of claims for outpatient care based on an accumulation of charges for a period of 1 month or more.

(ii) In the event the patient has paid the provider of care more than 20 or 25 percent, as appropriate, of the reasonable charges, the fiscal administrator; Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, will reimburse the patient for the overpayment. Amounts of less than \$1 will not be refunded.

(iii) It is emphasized that except for the deductible and 20 or 25 percent, as appropriate, of outpatient charges in excess of the deductible, the patient should not pay the participating provider of care directly. In the event he does, he may file a claim for reimbursement of the applicable percentage of reasonable charges. It is further emphasized that it is imperative for the patient or other responsible family member to complete section I of the applicable claim form for the provider of care in order for the provider of care to submit a claim for payment of the remaining reasonable charges.

(5) *Documentation of certain claims submitted by providers of care.* (i) Claims for physical examinations and immunizations not for diagnosis or treatment furnished spouses and children of active duty members must be supported by a copy of orders to perform travel outside the United States. Charges for these benefits are subject to the outpatient cost sharing liability requirements.

(ii) Claims for non-Government ambulance service must be supported by satisfactory evidence that the service was medically necessary and that the patient was or was not admitted to the inpatient facility as an inpatient.

(iii) Claims to support charges for unusual services or services involving extraordinary effort or skill must be supported by a "Special Report" (§ 577.60(c) (7)).

(6) *Claims for reimbursement or payment of itemized unpaid bills submitted by patient, sponsor, or other responsible family member.* Patients should not pay for authorized benefits received from participating providers of care except that portion of the charge which is their responsibility. However, when patients do pay more than their share of the charges or when they utilize the services of a nonparticipating provider of care, they or their sponsor may submit a claim for reimbursement of the applicable percentage of the reasonable charges that would have been paid to the provider of care had the provider of care submitted a claim. Reimbursement cannot be made for the applicable percentage of the total charges unless the total charges do not exceed the reasonable charges for the services provided in the local area. Claims for reimbursement may be submitted to the appropriate fiscal administrator; Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as follows:

(i) Claims for reimbursement for civilian inpatient and outpatient benefits obtained in the United States or Puerto Rico will be submitted to the fiscal administrator of the State in which the benefits were obtained (§ 577.71).

(ii) Claims for reimbursement for benefits obtained in Canada and Mexico and claims for benefits obtained aboard commercial vessels en route to the United States, Puerto Rico, Canada, or Mexico will be submitted to the Executive Director, OCHAMPUS.

(iii) Claims for reimbursement for civilian inpatient and outpatient benefits obtained in countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon and claims for reimbursement for benefits obtained aboard commercial vessels en route to a country located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon will be submitted to the Executive Director, OCHAMPUSEUR.

(iv) Claims for reimbursement for benefits obtained in areas other than the United States, Puerto Rico, Canada, Mexico, countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon will be submitted to the appropriate oversea commander of the area in which the benefits are obtained.

(v) Claims for reimbursement for benefits obtained aboard commercial vessels en route to oversea areas, other than countries located within the U.S. European Command, Africa and the Middle East, and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon will be submitted to the appropriate oversea commander of the area in which the patient debarks.

(7) *Documentation of claims submitted by patient, sponsor, or other re-*

sponsible family member. Claims for reimbursement or payment of itemized unpaid bills must include the following:

(i) A separate claim form for each patient with section I of each form completed. Either DA Form 1863-1 or DA Form 1863-2 may be used.

(ii) A DD Form 1251 (Nonavailability Statement) when appropriate.

(iii) Itemized bill or photocopy thereof which shows the name and address of the physician or other provider of care, patient's name, diagnosis or nature of illness or injury, description of each service or supply provided and dates thereof, and the charges. Drug bills or receipts must show the name and address of the pharmacy, name of the patient, prescription number, date filled, and the amount charged. In the case of insulin, no prescription number is required but the bill or receipt must specify "Insulin."

(iv) When a claim includes charges for services and supplies (other than drugs and insulin) furnished by other than a physician, Christian Science practitioner, doctor of optometry, or inpatient facility, a statement from the attending physician or Christian Science practitioner, as appropriate, that such services and supplies were necessary for the proper care and treatment of the patient must accompany the itemized or receipted bill. This statement is also required when the claim includes charges for a private room in an inpatient facility and for private duty nursing care.

(v) When a claim includes charges for non-Government ambulance service, satisfactory evidence that the service was medically necessary and that the patient was or was not admitted to an inpatient facility as an inpatient must accompany the claim.

(vi) When a claim includes charges for a physical examination and immunizations not for diagnosis or treatment, the claim must be supported by a copy of the dependent's orders to perform travel outside the United States.

(vii) When, subsequent to receipt of an Outpatient Deductible Certificate, a claim is submitted to a fiscal administrator other than the one who issued the Outpatient Deductible Certificate, either the Outpatient Deductible Certificate issued by the other fiscal administrator or copy thereof, should accompany the claim. It will be returned to the claimant when the claim is processed.

(j) *Coverage under other health insurance programs—(1) Insurance as a result of employment or by operation of law.*

(i) No benefits are payable under the CHAMPUS in the case of retired members and their dependents and the dependents of deceased members enrolled in any other insurance, medical service, or health plan provided by law or through employment unless such person certifies that the particular benefit is not payable under the other plan. Such a person may not submit a claim under the CHAMPUS for any benefit that is



available to him under the other plan. However, such a person may submit a CHAMPUS claim for authorized benefits that are not available to him under the other plan.

(ii) Insurance coverage resulting from employment for which the employer contributes to the annual premium for the coverage provided the employee and/or his family 10 percent or less, is not considered insurance provided by employment.

(iii) The CHAMPUS is, in effect, a "last pay" program in relation to health insurance plans provided by law or through employment. This means that the amount paid by such other health plans is considered in determining the CHAMPUS share of the costs.

(iv) An exception to the CHAMPUS being "last pay" exists for plans provided by law or through employment. This exception provides that if the other plan had an exclusionary clause which was in effect prior to 1 October 1966 which precluded that plan from paying as "first pay" if the insured was enrolled or covered under a Federal Health benefits program and if the patient was insured under the plan prior to that date, CHAMPUS would then acknowledge that the other plan was, in effect, "last pay." Under these circumstances, CHAMPUS would pay its full share of the reasonable costs as a "first pay" plan without regard to the other plan. This exception is not applicable to coverage under the Federal Employees Health Benefits Program; plans under the Federal Employees Health Benefits Program are always "first pay."

(v) Retirees and their dependents and dependents of deceased members who are enrolled in Part B (Supplemental Medical Coverage) but not entitled to hospital insurance benefits (Part A) under the Social Security Health Insurance Program for the Aged, are considered to have other insurance by operation of law.

(vi) The foregoing limitations on CHAMPUS being a "first pay" plan do not apply to other insurance as a result of employment or by operation of law obtained by dependents of active duty personnel.

(vii) The following procedure is used to determine the Government's share of the cost when the patient (retired member, dependent of retired member, or dependent of deceased member) has other health insurance or medical coverage provided by law or through employment:

(a) *Step 1.* Determine the Government's share of the reasonable charges by the use of the applicable cost-sharing formula prescribed in paragraph (g) of this section, disregarding any portion of such costs paid by the other plan or plans.

(b) *Step 2.* Deduct the amount paid by the other plan or plans from the total charges for authorized care.

(c) *Step 3.* Pay, as the Government's share, the amount remaining upon the completion of Step 2 above, up to, but not exceeding, the amount computed in Step 1.

*Example.* X, a retiree, is hospitalized. The total charges for the services amount to \$1,000. The CHAMPUS fiscal administrator determines that \$900 of the total charges are reasonable. Under Step 1, the Government would be liable for 75 percent of the reasonable charges of \$900 which is \$675. Under Step 2, it is determined that X's other insurance through employment had paid \$400 of the charges. It is immaterial whether such amount is paid to the provider of care or to the insured. Under Step 3, the Government would pay the remaining \$600. If X's other plan had paid less, the Government would have paid up to the \$675 computed in Step 1 but not more than that sum.

(2) *Private insurance.* Payments made directly to a retired member, dependent of a retired member, dependent of a deceased member, or dependent of an active duty member, instead of to a provider of care under private health insurance policies (insurance which results from direct negotiations between the insured and the insurer and which is not provided by law or through employment, and under sickness or accident benefit policies which are designed to protect against loss of total income during a period of disability, or under the provisions of the standard medical coverage clause of an automobile insurance policy) are not considered by the Government in determining the amount payable under CHAMPUS. However, if payments under such private health insurance policies are made directly to the providers of care and the payments exceed the patient's share of the charges under CHAMPUS, the Government will not duplicate the payments but will pay the remaining reasonable charges provided such charges do not exceed the amount that would have been paid by CHAMPUS had there been no other insurance.

(k) *Government liability for payment of civilian health benefits costs.* (1) As prescribed in § 577.61 the uniformed services will provide eligible beneficiaries with means of identification. When providers of civilian health benefits exercise reasonable care and precaution in identifying persons claiming to be eligible beneficiaries and furnish authorized benefits to those persons in good faith, payment is authorized. When benefits have been provided in good faith by civilian providers of care and it is subsequently determined that the person concerned was not in fact entitled to health benefits under the CHAMPUS, collection action will be taken against the sponsor, guardian, or individual who was not entitled to the benefits. Collection action in individual cases will be the

responsibility of the uniformed service whose appropriations reimbursed the Executive Agent or whose appropriations were used in payments made on behalf of persons not entitled to care under CHAMPUS. Where fraud is suspected, the matter may be referred to the Department of Justice with appropriate recommendations.

(2) CHAMPUS will not pay for inpatient health benefits furnished spouses and children of active duty members residing with their sponsors in the United States and Puerto Rico without a DD Form 1251 except under the circumstances described in § 577.62(a)(1)(iv). Where representations are made by the providers of civilian care that it was not aware of the requirement for a DD Form 1251, that health benefits authorized under these regulations were furnished to a spouse or a child possessing a valid DD Form 1173, and subsequent efforts by the provider of care to obtain a DD Form 1251 through the sponsor or dependent had failed, the matter will be brought to the attention of the Executive Director, OCHAMPUS. The uniformed service concerned will be notified and the matter will be brought to the attention of the responsible service member as an unpaid debt. In special circumstances where the provider of civilian health benefits shows that collection has not been possible, the Executive Director, OCHAMPUS, may authorize payment provided the claim covers health benefits authorized under this regulation and was otherwise in accordance with all requirements except those concerning a DD Form 1251.

(3) The Executive Director, OCHAMPUS; Executive Director, OCHAMPUS SEUR; or appropriate overseas commander may authorize certain claims for payment where the procedures in §§ 577.61 and 577.62 have not been followed if it is established that authorized health benefits were furnished to an eligible beneficiary. The Secretary of each uniformed service (or his designee) will, upon request of the Executive Director, OCHAMPUS; Executive Director, OCHAMPUS SEUR; or overseas commander, make a determination of eligibility of the patient and inform the requestor thereof in writing.

(1) *Timely filing of claims.* In order to provide effective contract administration, including retirement of contract files within a specified period, a time limitation for submitting claims in the United States and Puerto Rico has been established. Any claim for CHAMPUS benefits will not be paid by fiscal administrators if received more than 5 years after the benefit reflected on the claim form was completed but will be forwarded to the Executive Director, OCHAMPUS. The Executive Director, OCHAMPUS, may, at his absolute discretion, allow or disallow the claim.



COST-SHARING FORMULA

INPATIENT BENEFITS

	Patient's share of cost for authorized care	CHAMPUS share of cost for authorized care
Dependents of active duty members.	First \$25 or \$1.75 per day, whichever amount is greater, of the inpatient facility charges.	Remainder of charges of the inpatient facility and the reasonable charges of professional personnel.
Retired members, their dependents, and the dependents of deceased members.	25 percent of the charges of the inpatient facility and 25 percent of the reasonable charges of professional personnel.	75 percent of the charges of the inpatient facility and 75 percent of the reasonable charges of professional personnel.

OUTPATIENT BENEFITS

Dependents of active duty members.	First \$50 of expenses incurred by a patient each fiscal year (not to exceed \$100 per family) plus 20 percent of reasonable charges after deductible has been paid.	80 percent of reasonable charges after deductible is satisfied.
Retired members, their dependents, and the dependents of deceased members.	First \$50 of expenses incurred by a patient each fiscal year (not to exceed \$100 per family) plus 25 percent of reasonable charges after deductible has been paid.	75 percent of reasonable charges after deductible is satisfied.

NOTE: See paragraph (a)(4) of this section when the patient utilizes the services of a nonparticipating provider of care. Fiscal year is from July 1 of 1 year through June 30 of the following year.

**§ 577.65 Health benefits in miscellaneous circumstances.**

(a) *Health benefits in Federal medical facilities other than those of the uniformed services—(1) General.* When dependents of active duty personnel eligible for civilian medical benefits receive medical care in a Federal medical facility other than a uniformed services facility or Indian or Alaska Native medical facility when dependents of retired personnel or dependents of deceased personnel eligible for civilian medical benefits receive medical care in a Federal medical facility other than a uniformed services facility; or when retired members receive medical care in a Federal medical facility other than a uniformed services facility or a Veterans Administration medical facility, they will pay the patient's share of the charges as prescribed in § 577.64 (g). The difference between the amount payable by the patient and the rate established for reimbursement between Federal agencies for health benefits furnished retired members and dependents will be paid by the following, as appropriate:

(i) The Executive Director, OCHAMPUS, if the care is obtained in the United States, Puerto Rico, Canada, or Mexico.

(ii) The Executive Director, OCHAMPUSEUR, if the care is obtained in a country located within the U.S. European Command, Africa or the Middle East and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.

(iii) The appropriate oversea commander of the member's parent service if the benefit is obtained in an area outside the United States, Puerto Rico, Canada, Mexico, U.S. European Command, Africa or the Middle East and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon.

(2) *Care of retired members at facilities of the Veterans Administration.* Retired members are eligible for care in Veterans Administration facilities on a space available basis as beneficiaries of their respective service, provided that, at the time and place a retired member presents himself for care at a Veterans

Administration facility, he would not have been provided care were it not for the provisions of 10 U.S.C. 1074(b). Charges for the retiree are the same as those prescribed for care in uniformed services facilities (§ 577.63(k)). Reimbursement to the Veterans Administration for care furnished retired members under the provisions of this section will be made by the retired member's parent service at rates approved by the Bureau of the Budget. Procedures for collecting charges from the retiree and reimbursement of the Veterans Administration are prescribed in individual service regulations.

(3) *Care in Indian or Alaska Native medical facilities.* Dependents of active duty members eligible for care in uniformed services facilities may be furnished, on a space available basis, the same health benefits in Indian or Alaska Native medical facilities as are authorized in uniformed services facilities. The dependent's share of the charges are the same as prescribed for care in uniformed services facilities (§ 577.63(k)). Interdepartmental reimbursement will be made by the sponsor's parent service in accordance with the provisions of section 1085 of title 10 United States Code, i.e., reimbursement will be made only for inpatient care at rates approved by the Bureau of the Budget.

(b) *Health benefits in medical facilities of the Canal Zone Government.* All persons listed in § 577.62(a) as eligible for care in uniformed services medical facilities are eligible for health benefits in medical facilities of the Canal Zone Government. Charges for care obtained in such facilities are as prescribed by regulations of the individual services.

(c) *Health benefits in medical facilities of a foreign government.* When persons listed in § 577.62(a) as eligible for care in uniformed services medical facilities receive health benefits authorized by this regulation in medical facilities of a foreign government, reimbursement will be as follows:

(1) Except as indicated in subparagraph (2) of this paragraph, the patient

will pay the charges shown for civilian health benefits in § 577.64(g). The difference between the total bill and the patient's share will be paid by the Executive Director, OCHAMPUS, if the benefits are obtained in Canada or Mexico and by the Executive Director, OCHAMPUSEUR, if the benefits are obtained in a country located within the U.S. European Command, Africa or the Middle East and Pakistan, India, Nepal, Afghanistan, the Malagasy Republic, and Ceylon. In other areas, payment will be made by the appropriate oversea commander in accordance with the regulations of the individual services.

(2) In instances where a reciprocal agreement between a foreign government and the United States is in effect which provides for no charge or a lesser charge to the patient than those listed in § 577.64(g), the charges, if any, prescribed in the reciprocal agreement will prevail.

**§ 577.66 CHAMPUS program for the handicapped.**

(a) *General.* (1) Persons eligible for benefits under the CHAMPUS Program for the Handicapped are the spouses and children of active duty members who have moderate or severe mental retardation and/or serious physical handicap. No others qualify.

(2) Dependents requesting benefits under the Program for the Handicapped must establish their eligibility by the identification procedures prescribed in § 577.61 and by obtaining approval of a plan for management of the handicapping condition as prescribed in paragraph (g) of this section.

(3) A DD Form 1251 (Nonavailability Statement) is not required for benefits obtained under the Program for the Handicapped.

(4) Unless unusual circumstances exist, payment will not be made for benefits authorized under the Program for the Handicapped which are provided in and billed by a facility identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients (§§ 577.60(f) and 577.70).

(b) *Authorized benefits.* In general, diagnosis, therapy, training, special education, rehabilitation, and institutional care are authorized benefits under the Program for the Handicapped. Diagnosis of the condition must be by a physician; however, subsequent benefits may be furnished without being ordered or prescribed by a physician provided a professional person competent in the disciplines involved orders or prescribes them. Authorized benefits include, but are not limited to, the following:

(1) *Diagnosis.* Diagnostic evaluation on an inpatient or outpatient basis by a physician. Includes hospitalization or institutionalization solely for the purpose of conducting diagnostic studies performed by, or under the supervision of a physician.

(2) *Inpatient treatment.* Services provided for the handicapping condition in a hospital, nursing home, convalescent



hospital, psychiatric treatment facility or similar facility where the individual is admitted for treatment. This includes private room when ordered by the physician.

(3) *Outpatient treatment.* Services provided on a visit basis in a hospital, clinic, institution, agency, or office where the professional personnel providing the service are located. Includes therapy, diagnostic and therapeutic tests and procedures, and posthospitalization and postinstitutional care needed to continue treatment or rehabilitation.

(4) *Home treatment.* Such services as speech therapy, occupational therapy, physiotherapy and remedial reading provided in the home. Any of the services authorized by this section may be provided in the home when the responsible professional person certifies that they can be provided most appropriately in the home.

(5) *Training and special education.* Education, exercise, or practice needed to alleviate, overcome, or adjust to a physical handicap or mental retardation. This includes, but is not limited to, remedial reading, speech training, use of artificial aids, and education provided physically handicapped and mentally retarded persons. Also includes special vocational training or education wherein a physically handicapped or mentally retarded person is taught a trade or occupation to aid in overcoming or adjusting to his condition, i.e., teaching a blind person to be a mechanic or typist. This does not include college level education or other specialized education or training beyond the high school level. Training and special education is authorized as either an inpatient or outpatient benefit.

(6) *Institutional care.* Normally, this is residential care in private nonprofit, public, or State institutions and facilities. Such institutions include, but are not limited to, schools for the deaf and blind and institutions for physically and/or mentally handicapped persons, and may include day care, night care, or extended outpatient care at such facility. It includes a private room when ordered by the physician or when no other accommodations are available. Institutional care is not authorized in a private facility operated for profit except as provided in paragraph (d) of this section.

(7) *Surgery and medical care.* Surgery and medical care necessary to treat or correct mental retardation or a physical handicap is authorized on either an inpatient or outpatient basis.

(8) *Dental care.* Surgery, orthodontia, and other dental procedures which are needed to correct, overcome, or aid in adjustment to, a handicapping condition.

(9) *Prosthetic devices and orthopedic appliances.* Artificial limbs, artificial eyes, braces, and hearing aids are examples of devices and appliances which are authorized when needed to treat a handicapping condition.

(10) *Special optical devices.* Special optical devices are authorized such as—

(i) Contact lenses necessary to correct a handicapping condition not correctable by spectacles.

(ii) Subnormal visual corrective devices such as, but not limited to, telescopic and isoconic lenses.

(iii) Optical aids to help the near blind such as, but not limited to, hand-held optical devices.

(11) *Durable equipment.* When certified as needed in the treatment or training of a handicapped dependent, the purchase or rental (whichever is more appropriate) of durable equipment is authorized. Durable equipment includes, but is not limited to, wheelchair, iron lung, hospital bed, nebulizers, and special training equipment such as driver training devices and other rehabilitative aids. Purchase of durable equipment may be authorized under the Program for the Handicapped if eligible handicapped individuals are receiving definitive care under § 577.64.

(12) *Drugs and medicines obtainable only by prescription and insulin.* (Prescriptions written by a civilian physician may be filled at uniformed services facilities subject to the availability of pharmaceuticals and consistent with control procedures and applicable laws.)

(13) *Transportation.* Transportation is authorized by Government, commercial, public, or private means to and from facilities in which the dependent is to receive or has received institutional care. Transportation on a recurring basis is authorized when it is determined by the attending physician or the director of the institution or facility that the care can be provided more effectively in such manner. Authorized transportation may include, but is not limited to, Government transportation, commercial air, ship, rail, bus, air or surface ambulance, chartered automobile, rent-a-car, taxi, local bus; streetcar, subway, and privately owned conveyance.

(i) *Prior approval.* Except in cases of emergency, request for transportation benefits, including cost estimates, will be included in the request for benefits (paragraph (e) of this section) or will be submitted separately and approval obtained prior to travel being performed. If the request for transportation is for use of other than local public transportation or privately owned vehicle, the request must be accompanied by supporting information that less expensive means of transportation is not reasonably available or that the means of travel is medically prescribed.

(ii) *Local transportation.* Individuals are encouraged to use public means of transportation or privately owned vehicle to and from local providers of benefits. If more than two round trips daily are required, such fact, with supporting justification, must be stated in the request for approval.

(iii) *Distant transportation.* When distant movement is necessary, Government transportation will be used when available. If Government transportation is not available, a commercial or private mode of travel may be used.

(iv) *Limitation on costs.* Actual transportation costs (including those for

travel by privately owned vehicle) can be reimbursed or otherwise paid for by the Government only to the extent that such costs, together with all other costs for benefits being provided the dependent for the handicapping condition, do not exceed \$350 per month as provided in paragraph (f) (1) of this section.

(14) *Other services.* Any other treatment or service not elsewhere authorized which is considered necessary to treat, rehabilitate, or educate a handicapped spouse or child in the total treatment program is authorized.

(15) *Related therapy.* Therapy such as family counseling for parents of a handicapped child, is authorized when needed as part of the treatment for the child.

(16) *Professional services.* The following professional services are authorized on either an inpatient or outpatient basis:

(i) Services of professional personnel include, but not limited to, the services of physicians, dentists, optometrists, speech therapists, occupational therapists, and nurses. Such professional personnel must be licensed if the jurisdiction in which the services are provided so requires. If the jurisdiction in which the services are provided does not require licensure, they must be eligible for membership in the State or national association setting the standards for their respective professional group.

(ii) Services of teachers who meet the standards of the school system in the jurisdiction in which located and who provide special education such as, but not limited to, remedial reading, speech training, or special classes for physically handicapped or mentally retarded children.

(iii) Services of vocational instructors who teach physically handicapped or mentally retarded persons a trade or occupation, e.g., teaching a blind person to be a mechanic or typist. These instructors must meet the standards required in the school system where the training is being conducted.

(c) *Benefits not authorized.* The following benefits are not authorized under the Program for the Handicapped:

(1) Spectacles or contact lenses for correction of ordinary refractive error.

(2) Routine dental care except when required in the treatment of the handicapping condition.

(3) Academic education normally provided in the public school system or institutes of higher learning.

(4) Custodial care in the home and homemaker services.

(5) Treatment for medical and surgical conditions of a temporary nature, nervous, mental, and emotional disorders, and chronic conditions and diseases is not authorized under this chapter. Such treatment is authorized, however, under the provisions of § 577.64.

(d) *Use of public facilities.* To qualify for benefits under the Program for the Handicapped, public facilities must be used to the extent they are available and adequate to meet the needs of the handicapped dependent. When public facilities are unavailable or inadequate to meet



the needs of the individual patient, benefits may be provided in private facilities, except that institutional (residential) care may not be provided in private facilities operated for profit. Exception: When State governments contract for institutional care in private facilities, whether private proprietary facilities or duly licensed foster homes, payment to the State is authorized since the care provided in such facilities and/or homes is considered to be State institutional care.

(e) *Plans for management of handicapping conditions.* All eligible dependents who desire to obtain benefits under the Program for the Handicapped must have a plan for management of their handicapping condition, including estimated costs, submitted to and approved by the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, before benefits may be provided.

(1) Normally, the service member or other responsible family member will forward a request for acceptance of the dependent in the Program for the Handicapped to the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate. The request will include the following information:

(i) Name, grade, service number and social security account number, and branch of service of the service member, organization to which service member is assigned, and date of expiration of term of service or date of retirement, if known.

(ii) Name, age, and address of dependent. If in an institution, the name and address of the institution.

(iii) Relationship of the dependent to the service member.

(iv) A signed statement of the dependent's condition giving the diagnosis, history of handicap, present condition, prognosis, and a recommended plan for management of the condition, including estimated costs. After diagnosis by the attending physician, this statement may be signed by a hospital administrator, registrar, record librarian, administrator of a clinic or medical group, or other responsible official of the institution. Additionally, this statement may be submitted directly to the appropriate approving authority by the attending physician if he so desires.

(v) Within the United States, if the plan proposes the use of other than public facilities, a statement from a cognizant public official that adequate public facilities are not available or adequate to meet the needs of the handicapped individual must be submitted. Such statements remain valid for 1 year from date of issuance unless, prior to that time, a public official declares that public facilities are available and adequate to meet the needs of the handicapped individual, or the service member is reassigned to another State or area and the handicapped dependent accompanies the service member or moves to another State or area. When the latter occurs, the service member or other responsible

family member must reapply for acceptance of the dependent in the Program for the Handicapped as outlined above.

NOTE: Statements from public officials that public facilities are not available may be extended beyond the normal 1-year date at the discretion of the Executive Director, OCHAMPUS, based on constructive knowledge that conditions have not changed significantly in the area in question.

(2) Review of request for benefits: The Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, will review the request, determine if the individual qualifies as a handicapped dependent, approve or disapprove the proposed plan for management of the condition, and notify the service member or family member of the decision. Factors to be considered by the approving official include:

(i) Can the services be provided under CHAMPUS more effectively or economically in other facilities;

(ii) Are public facilities available and adequate to meet the needs of the handicapped dependent if the plan proposes the use of any other type of facility;

(iii) Will the dependent significantly benefit from the proposed plan;

(iv) Are the estimated charges reasonable?

In disapproved cases, an attempt will be made to assist in obtaining the required care by such means as furnishing a list of appropriate facilities capable of providing the required care, advising the service member of benefits available under § 577.64 or under other programs, or by making referrals to appropriate agencies.

(3) Annual review: In long-term cases, the plan for management of the condition will be reviewed by the approving official on an annual basis with particular consideration given to the changing needs of the individual. The service member or other responsible family member may be required to furnish to the approving official, a current statement by a public official that adequate public facilities are not available or adequate to meet the needs of the handicapped individual. In addition, the approving official may obtain from the service member or other responsible family member any other current information which he deems necessary to conduct the review. The approving official will notify the service member or other responsible family member of any changes in a previously approved plan which are made as the result of such review but will not discontinue benefits in such cases without prior coordination with the appropriate Surgeon General except when benefits are discontinued as a result of the sponsor's retirement, separation, or death.

(4) Services obtained prior to approval of management plan: The Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate, may make exceptions to the requirement for approval of a plan prior to the beginning

of such services in order to avoid undue hardship in a particular case and in order not to penalize a source of care which has acted in good faith. Also, when a plan is approved subsequent to January 1, 1967, and it is determined that it could have been approved on that date, payment may be made for the Government's portion of the cost of services, including transportation costs incurred if properly documented, on a retroactive basis to January 1, 1967.

(f) *Payment for benefits.* Normally, providers of authorized benefits will submit claims, including transportation charges, to the appropriate fiscal administrator (§ 577.71); the Executive Director OCHAMPUSEUR; or oversea commander, as appropriate. Claims will be submitted on DA Form 1863-3 which is distributed directly to the service member or other responsible family member by the approving authority when the dependent is accepted under the Program for the Handicapped. The family member must complete section I of the form and submit it to the source of care or supplier. He assumes a legal obligation for payment of his portion of the charges (Figure 1) to the provider of care or supplies, in accordance with whatever arrangements he makes with such provider. When a claim is submitted, the provider of benefits must indicate in the diagnosis, item 14 of the claim form, that the benefits provided were for a handicapping condition approved under the program. Claims for drugs must be supported by a copy of the prescription or must show in item 15 of the claim form, the prescription number, name of drug, strength, and amount dispensed.

(1) *Government's share of costs.* The Government's share of the reasonable charges for total benefits provided an individual dependent under the Program for the Handicapped, including transportation charges and costs for purchase or rental of durable equipment, may not exceed \$350 per month except as provided in subparagraph (2)(ii) of this paragraph.

(2) *Member's share of costs.* (i) If the cost of benefits provided an individual dependent under the Program for the Handicapped in a particular month is less than the amount shown for his pay grade in Figure 1 the entire transaction shall be a matter between the member and the provider of benefits and no claim is filed. When the cost per month exceeds the amount shown for the service member's pay grade, the service member incurs a legal obligation to pay the amount shown for his pay grade, plus the amount, if any, by which the total charges exceed his payment and the Government's payment of \$350.

(ii) A service member who has two or more dependents incurring expenses in a given month under the Program for the Handicapped will not be required to pay an amount greater than he would be required to pay if he had but one such dependent receiving benefits. Such a member will be charged on the basis of



his dependent incurring the least expense under the Program for the Handicapped. The member is, however, obligated to pay at least the amount shown for his pay grade in Figure 1. When the cost for one dependent is less than the amount shown for his pay grade, the member is obligated to pay such additional amount as is required to meet the cost shown for his pay grade in Figure 1 towards satisfying the bill of the second dependent receiving benefits under the Program for the Handicapped.

(iii) The amount as computed above will be paid by the service member to the primary provider of care. If the dependent is institutionalized, the primary provider of care is the institution. If the dependent is not institutionalized, the primary provider of care is the individual or facility responsible for directing the regimen of treatment being received by the dependent, e.g., day school, occupational day center, attending physician, etc.

(iv) If no single provider of care provides services for which the charges in one month are equal to, or greater than, the monthly amount payable by the service member as shown in Figure 1, the member will pay the respective providers of care until he has satisfied his liability and will obtain receipts therefor which will be attached to the claim by one of the providers of care whose charges have not been paid by the member.

FIGURE 1. SCALE OF MONTHLY OBLIGATION

Pay grade	Amount
E-1	\$25-
E-2	25
E-3	25
E-4	25
E-5	25
E-6	30
E-7	35
E-8	40
E-9	45
W-1	45
W-2	45
W-3	50
W-4	50
O-1	35
O-2	40
O-3	45
O-4	50
O-5	65
O-6	75
O-7	100
O-8	150
O-9	200
O-10	250

(3) *Payment for care for nonhandicapping condition.* When a dependent who is receiving civilian benefits under the Program for the Handicapped obtains authorized civilian care which is not specifically required because of the handicapped condition, the cost sharing provisions prescribed in § 577.64(g) apply for such care. In unusual cases, exceptions to this provision may be made by the Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or oversea commander, as appropriate.

(4) *Claims for reimbursement.* If a service member pays more than his monthly obligation to providers of care for benefits furnished a dependent un-

der the Program for the Handicapped, he may submit a claim for reimbursement or payment based on submission of itemized unpaid bills of the Government's share of the reasonable charges by following procedures outlined in § 577.64(i) (6) and (7), except that—

(i) Claim will be submitted on DA Form 1863-3.

(ii) Itemized bills submitted by the service member will reflect that the benefits in question specifically relate to care for the handicapping condition. Bills for benefits provided under § 577.64 will not be included.

(iii) When claim includes cost of public, commercial, or private transportation authorized by paragraph (b) (13) of this section, the service member will document his expenses.

(5) *Exception.* The provisions of subparagraphs (1) and (2) of this paragraph do not apply with respect to special education provided to handicapped children in oversea areas under the provisions of paragraph (i) of this section.

(g) *Health Resources Information Center.* (1) The Health Resources Information Center, OCHAMPUS, Denver, CO 80240, maintains current information files concerning specialized care programs, facilities and services for the physically handicapped and mentally retarded in the United States, Puerto Rico, Canada, and Mexico. To the extent possible, the files include the name and address of the facility, the types of services provided, handicapped conditions treated, admission and eligibility requirements, and estimated charges. In addition, limited information is maintained concerning facilities in oversea areas where uniformed services personnel ordinarily serve.

(2) Upon request, information may be obtained from the Center by service families, uniformed services facilities, and authorized private and public agencies. Requests for information should include details concerning the type of handicap, the kind of service required, desired location for care, and any additional considerations.

(3) The Center will serve as a central source of information for the uniformed services, civilian personnel and voluntary workers in Army Community Service, Air Force Family Service, Navy Family Service and similar programs operating at the local level.

(h) *Health, Education, and Welfare programs for the handicapped.* In administering the Program for the Handicapped, the Executive Directors and oversea commanders will make full use of all similar programs administered by or under the cognizance of the Department of Health, Education, and Welfare and determined by appropriate officials of that Department to be available for such use.

(i) *Special education services overseas.* As an adjunct to the educational program in oversea dependent schools, each military department is authorized to contract with qualified personnel to

provide special educational services for mentally retarded and physically handicapped children of all active duty uniformed services personnel who may be participating in the oversea dependent school program.

(j) *Transfer of case files.* In those instances where a dependent has been approved for benefits under the Program for the Handicapped and subsequently accompanies or joins the service member in an area outside the administrative jurisdiction of the approving official, and such fact is made known to the approving official at the time of movement, the case file of the handicapped dependent will be forwarded to the Surgeon General of the service member's parent service, who, in turn, will forward it to the responsible approving official for the area where the dependent plans to reside. However, when such movement is not made known to the approving official and a need for the case file later develops in the office of the new approving official, it may be requested directly.

#### § 577.67 Transportation.

(a) *Aeromedical evacuation.* Movement of patients by aeromedical evacuation is governed by the following regulations:

(1) AR 40-350/BUMEDINST 6320.1 series/AFR 168-11/HSMHA CIR NO. 69.2/CG COMDTINST 6320.8 series (Medical Regulating to and Within the Continental United States).

(2) AFR 164-1/AR 40-535/OPNAV INST 4630.9 series/MCO 4630.9 (Worldwide Aeromedical Evacuation).

(3) AFR 76-15/AR 59-12/OPNAV INST 4630.12 series/MCO 4630.7 (Movement of Traffic by the Single Manager Operating Agency for Airlift Service (MAC)).

(4) AFR 76-6/AR 59-20/OPNAV INST 4630.10 series/MCO 4630.5 series (Authorized Traffic on DOD Aircraft Other Than Scheduled Airlift Service, Industrial Fund (MAC)).

(b) *Ambulance service.* Departments of active duty personnel, retired personnel and their dependents, and dependents of deceased personnel are authorized ambulance service in accordance with the provisions of §§ 577.63(f) (11) and 577.64(b) (24).

(c) *Transportation for the purpose of obtaining medical care.* Transportation of dependents of active duty members of the uniformed services who are accompanying their sponsor outside the United States is authorized for the purpose of obtaining medical care not locally available, including necessary attendants, in accordance with the provisions of Joint Travel Regulations, volume 1, chapter 6, part I, and chapter 7, part C, paragraph M7107.

(d) *Transportation of handicapped dependents.* Transportation of spouses and children of active duty members in connection with institutional care under the Program for the Handicapped is authorized in accordance with provisions of § 577.66(b) (13).



**§ 577.68 The Federal Medical Care Recovery Act (42 U.S.C. 2651-2653).**

(a) *Special notification—injury cases.* Sections 2651 through 2653 of title 42 United States Code require the Government to recover from third persons the reasonable cost of hospital, medical, surgical, or dental care which is provided at Government expense to persons who are injured under circumstances creating tort liability upon some third person.

(b) *Notification.* When a dependent or retired member receives treatment for an injury creating possible tort liability upon some third person, the commander of the uniformed service medical facility; Executive Director, OCHAMPUS; Executive Director, OCHAMPUSEUR; or over-sea commander, as appropriate, will make notification to the appropriate legal officials as prescribed in the regulations of the individual services.

**§ 577.69 Health benefits for dependents of active duty foreign military personnel of the NATO nations in the United States.**

(a) *General.* Since July 1, 1963, under the terms of the NATO Status of Forces Agreement, the United States has been required to furnish medical and dental care to eligible dependents of active duty members of the Armed Forces of the foreign NATO nations who, in connection with their official duties, are stationed in or passing through the United States. Such care is authorized to the same extent that it is authorized for dependents of active duty members of the Armed Forces of the United States.

(b) *NATO nations.* The NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom, and the United States.

(c) *Eligibility.* To be eligible for benefits authorized by this regulation, a person must bear one of the following relationships to an active duty member of the Army, Navy, Marine Corps, or Air Force of one of the foreign NATO nations who, in connection with his official duties, is stationed in or passing through the United States:

- (1) Wife.
- (2) Husband, if he is dependent on the member for over one-half of his support.
- (3) Unmarried legitimate child, including an adopted child or stepchild, who is dependent on the member for over one-half of his support and who either—
  - (i) Has not passed his 21st birthday;
  - (ii) Is incapable of self-support because of a mental or physical incapacity that existed prior to his reaching age 21; or
  - (iii) Has not passed his 23d birthday and is enrolled in a full-time course of study in an approved institution of higher learning.

(d) *Sponsoring Department.* For identification and budget purposes, sponsorship of dependents of foreign NATO military personnel is as follows:

- (1) Dependents of Army personnel—Department of the Army.
- (2) Dependents of Naval and Marine Corps personnel—Department of the Navy.
- (3) Dependents of Air Force personnel—Department of the Air Force.

(e) *Identification cards.* Dependents are required to present DD Form 1173 (Uniformed Services Identification and Privilege Card) as identification when seeking health benefits. Each of the military departments is responsible for issuance of DD Forms 1173 to dependents of foreign NATO military personnel under its sponsorship.

(f) *Health benefits authorized.* Eligible dependents of foreign NATO military personnel are authorized the same health benefits as dependents of active duty members of the uniformed services of the United States. Accordingly, the provisions of this regulation apply to the same extent as they do for dependents of active duty members.

(g) *Budgeting.* Each military department will budget for the health benefits it anticipates will be furnished from civilian sources to eligible dependents of foreign NATO military personnel under its sponsorship.

(h) *Fiscal procedures.* The policies and procedures set forth in AR 40-122/SECNAVINST 6320.9 series/AFR 170-18 pertaining to payment for civilian health benefits obtained in the United States apply to payment for health benefits authorized dependents of foreign NATO military personnel.

**§ 577.70 Civilian facilities which have been identified by the Department of Defense as practicing discrimination in the admission and/or treatment of patients.**

Hospital	Effective date of ineligibility	Effective date eligibility restored
Choctaw County General Hospital, Butler, Ala.	Oct. 16, 1968	Nov. 19, 1968
Fifth Avenue General Hospital, Huntsville, Ala.	.....do.....	.....do.....
St. Francis Hospital, Monroe, La.	.....do.....	Nov. 4, 1968
Greenwood Leflore Hospital, Greenwood, Miss.	.....do.....	Apr. 9, 1969
Covington County Hospital, Collins, Miss.	.....do.....	Feb. 3, 1970
East Bolivar County Hospital, Cleveland, Miss.	.....do.....	Oct. 25, 1968
Tuomey Hospital, Sumter, S.C.	.....do.....	Dec. 16, 1968
Hampton General Hospital, Varnville, S.C.	Nov. 16, 1968	Jan. 6, 1969

**§ 577.71 Fiscal administrators for payment of providers of care except inpatient facilities.**

For civilian health benefits obtained within the United States and Puerto Rico, the following fiscal administrators are responsible for issuance of Outpatient Deductible Certificates, payment of claims for benefits provided by civilian sources of care (other than hospitals), and payment of claims for reimbursement of the Government's share of reasonable charges for inpatient and outpatient care:

**ALABAMA**

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

**ALASKA**

Blue Cross, Washington-Alaska Inc., 601 Broadway or Post Office Box 327, Seattle, WA 98111.

**ARIZONA**

Arizona Blue Shield Medical Service, 331 West Indian School Road, Phoenix, AZ 85013.  
or  
Post Office Box 13466, Phoenix, AZ 85002.

**ARKANSAS**

Arkansas Blue Cross & Blue Shield, Inc., 601 Gaines Street, Little Rock, AR 72201.

**CALIFORNIA**

California Physicians' Service, 720 California Street, San Francisco, CA 94108.

**COLORADO**

Colorado Medical Service, Inc., 244 University Boulevard, Denver, CO 80206.

**CONNECTICUT**

Connecticut General Life Insurance Co., Hartford, CT 06115.

**DELAWARE**

Blue Cross & Blue Shield of Delaware, Inc., 201 West 14th Street, Wilmington, DE 19801.

**DISTRICT OF COLUMBIA**

(Includes D.C., Prince Georges, and Montgomery Counties, Md., Arlington and Fairfax Counties, Va., and the city of Alexandria, Va.).  
Medical Service of the District of Columbia, 550 12th Street, SW., Washington, DC 20024.

**FLORIDA**

Blue Shield of Florida, Inc., 532 Riverside Avenue, Jacksonville, FL 32202.  
or  
Post Office Box 1798, Jacksonville, FL 32203.

**GEORGIA**

Medical Association of Georgia, 938 Peachtree Street NE., Atlanta, GA 30309.

**HAWAII**

Hawaii Medical Service Association, 1504 Kapiolani Boulevard, Honolulu, HI 96814.  
or  
Post Office Box 860, Honolulu, HI 96808.

**IDAHO**

North Idaho District, Medical Service Bureau, Inc., 201 Breier Building, Lewiston, ID 93501.

**ILLINOIS**

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

**INDIANA**

Indiana State Medical Association, 3935 North Meridian Street, Indianapolis, IN 46208.

**IOWA**

Iowa Medical Society, 1001 Grand Avenue, West Des Moines, IA 50265.

**KANSAS**

Kansas Physicians' Service, 1133 Topeka Avenue, Topeka, KS 66612.

**KENTUCKY**

Kentucky Physicians' Mutual, Inc., 3101 Bardstown Road, Louisville, KY 40205.



## LOUISIANA

Continental Service Life & Health Insurance Co., Post Office Box 3397, Baton Rouge, LA 70821.

## MAINE

Associated Hospital Service of Maine, 509 Forest Avenue, Portland, ME 04101.

## MARYLAND

(Excludes Prince Georges and Montgomery Counties which are served by the DC fiscal administrator.)

Maryland Blue Shield, 7800 York Road, Baltimore, MD 21204.

## MASSACHUSETTS

Massachusetts Medical Service and Massachusetts Blue Cross, Inc., 133 Federal Street, Boston, MA 02110.

## MICHIGAN

Michigan Medical Service, 441 East Jefferson Avenue, Detroit, MI 48226.

## MINNESOTA

Minnesota Medical Service, Inc., 2344 Nicollet Avenue, Minneapolis, MN 55404.

## MISSISSIPPI

Mississippi State Medical Association, 735 Riverside Drive, Jackson, MS 39202.

## MISSOURI

Missouri Medical Service, 3615 Olive Street, St. Louis, MO 63108.

## MONTANA

Montana Physicians' Service, 404 Fuller Avenue or Post Office Box 1677, Helena, MT 59601.

## NEBRASKA

Nebraska Medical Service, CHAMPUS Department, Main Post Office Station, Post Office Box 3248, Omaha, NE 68103.

or  
518 Kilpatrick Building, Omaha, NE 68102.

## NEVADA

Nevada State Medical Association, 3660 Baker Lane, Reno, NV 89502.

## NEW HAMPSHIRE

New Hampshire-Vermont Physician Service, 1 Pillsbury Street, Concord, NH 03301.

## NEW JERSEY

Medical-Surgical Plan of New Jersey, 500 Broad Street, Newark, NJ 07102.

## NEW MEXICO

Surgical Service, Inc., of New Mexico, 12800 Indian School Drive NE., Albuquerque, NM 87112.

## NEW YORK

United Medical Service, Inc., 2 Park Avenue, New York, NY 10016.

## NORTH CAROLINA

North Carolina Blue Cross & Blue Shield, Inc., Chapel Hill, NC 27514.

## NORTH DAKOTA

North Dakota Physicians' Service, 301 Eighth Street, South, Fargo, ND 58102.

## OHIO

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

## OKLAHOMA

Oklahoma Physicians' Service, 1215 South Boulder Avenue, Tulsa, OK 74119.

## OREGON

Executive Office, Oregon Physicians' Service, 619 Southwest 11th Avenue, Portland, OR 97205.

or  
Post Office Box 1071, Portland, OR 97207.

## PENNSYLVANIA

Medical Service Association of Pennsylvania, Blue Shield Building, Camp Hill, PA 17011.

## PUERTO RICO

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

## RHODE ISLAND

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

## SOUTH CAROLINA

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

## SOUTH DAKOTA

South Dakota Medical Service, Inc., 711 North Lake Avenue, Sioux Falls, SD 57104.

## TENNESSEE

Blue Cross/Blue Shield of Tennessee, 707 Chestnut Street, Chattanooga, TN 37402.

## TEXAS

Mutual of Omaha Insurance Co., Post Office Box 1298, Omaha, NE 68101.

## UTAH

Blue Shield of Utah, 2455 Parley's Way, Salt Lake City, UT 84109.

or  
Post Office Box 270, Salt Lake City, UT 84110.

## VERMONT

New Hampshire-Vermont Physician Service, 1 Pillsbury Street, Concord, NH 03301.

## VIRGINIA

(Excludes Arlington and Fairfax Counties and the city of Alexandria which are served by the D.C. fiscal administrator.)

Blue Shield of Virginia, 2125 Staples Mill Road, Richmond, VA 23230.

or  
Post Office Box 656, Richmond, VA 23205.

## WASHINGTON

Washington Physicians' Service, 1800 Terry Avenue, Seattle, WA 98101.

## WEST VIRGINIA

Medical-Surgical Care, Inc., 203 Union Trust Building, Parkersburg, WV 26101.

## WISCONSIN

Wisconsin Physicians' Service, 330 East Lakeside Street, Madison, WI 53715.

or  
Post Office Box 1787, Madison, WI 53701.

## WYOMING

Wyoming Medical Service, Inc., 1420 House Avenue.

or  
Post Office Box 2266, Cheyenne, WY 82001.

§ 577.72 Fiscal administrators (hospital contractors) for payment of inpatient facilities.

Inpatient facilities in the United States and Puerto Rico must send claims for inpatient care to the hospital contractor serving the State in which the inpatient facility is located. In those States for which Blue Cross Association is the contractor, inpatient facilities should mail

their claims to their local Blue Cross office.

## CONTRACTOR AND STATES SERVICED

BLUE CROSS ASSOCIATION, 840 NORTH LAKE SHORE DRIVE, AHA BUILDING, WEST, CHICAGO, IL 60611

Alabama.	New Hampshire.
Alaska.	New Jersey.
Arizona.	New Mexico.
California.	New York.
Colorado.	North Carolina.
Connecticut.	Ohio.
Delaware.	Oregon.
District of Columbia.	Pennsylvania.
Hawaii.	Puerto Rico.
Idaho.	Rhode Island.
Kentucky.	Tennessee.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Mississippi.	West Virginia.
Montana.	Wyoming.
Nevada.	

MUTUAL OF OMAHA INSURANCE CO., POST OFFICE BOX 1298, OMAHA, NE 68101

Arkansas.	Missouri.
Florida.	Nebraska.
Georgia.	North Dakota.
Illinois.	Oklahoma.
Indiana.	South Carolina.
Iowa.	South Dakota.
Kansas.	Texas.
Louisiana.	Wisconsin.
Minnesota.	

[AR 40-121, Sept. 15, 1970] (Sec. 3012, 70A Stat. 157, secs. 1071-1085, 72 Stat. 1445-1450, secs. 1086-1087, 80 Stat. 862-866; 10 U.S.C. 1071-1087, 3012)

For the Adjutant General.

R. B. BELNAP,  
Special Advisor to TAG.

[FR Doc.71-4675 Filed 4-7-71; 8:45 am]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of the Interior

Section 213.3312 is amended to show that the position of Staff Assistant to the Assistant Secretary for Fish and Wildlife and Parks is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4-8-71), subparagraph (25) is added to paragraph (a) of § 213.3312 as set out below.

#### § 213.3312 Department of the Interior.

(a) Office of the Secretary. . . .

(25) One Staff Assistant to the Assistant Secretary for Fish and Wildlife and Parks.

(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.71-4924 Filed 4-7-71; 8:51 am]



**PART 213—EXCEPTED SERVICE**

**Department of Agriculture**

Section 213.3313 is amended to show that the position of Private Secretary to the Administrator, Packers and Stockyards Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4-8-71), paragraph (s) is added to § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

(s) *Packers and Stockyards Administration.* (1) One Private Secretary to the Administrator.

(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.71-4922 Filed 4-7-71;8:51 am]

**PART 213—EXCEPTED SERVICE**

**Inter-American Social Development Institute**

Section 213.3320 is added to show that one position of Confidential Assistant to the Executive Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4-8-71), § 213.3320 is added as set out below.

§ 213.3320 Inter-American Social Development Institute.

(a) One Confidential Assistant to the Executive Director.

(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.71-4923 Filed 4-7-71;8:51 am]

**PART 213—EXCEPTED SERVICE**

**Office of Economic Opportunity**

Section 213.3373 is amended to show that a second position of Confidential Assistant to a Special Assistant to the Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4-8-71), subparagraph (3) of paragraph (a) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* \* \* \*

(3) One Special Assistant to the Director and Two Confidential Assistants to the Special Assistant.

(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.71-4925 Filed 4-7-71;8:51 am]

**Title 7—AGRICULTURE**

**Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture**

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

**PART 722—COTTON**

**Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton**

**Correction**

In F.R. Doc. 71-3550 appearing at page 4853 in the issue for Saturday, March 13, 1971, in § 722.421(d) the phrase "cropland adjustment agreement" should be inserted immediately following the phrase "cropland conversion agreement" in the fourth line.

**PART 723—CIGAR-FILLER (TYPE 41) TOBACCO AND MARYLAND TOBACCO**

**Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results**

**MARKETING QUOTA REFERENDUM RESULTS**

*Basis and purpose.* Section 723.21 is issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to (a) proclaim the results of the Cigar-filler (type 41) and Maryland tobacco marketing quota referenda for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973, and (b) establish a procedure whereby the Secretary of Agriculture may be petitioned prior to November 10, 1971, or prior to November 10, 1972, respectively, to proclaim national marketing quotas for Cigar-filler (type 41) tobacco, or for Maryland tobacco, for the next 3 marketing years. Under the provisions of the same section, the Secretary proclaimed national marketing quotas for Cigar-filler (type 41) tobacco, and national marketing quotas for Maryland tobacco, for the 1971-72, 1972-73, and 1973-74 marketing years, and announced the amount of the national marketing quota for the 1971-72 marketing year for Cigar-

filler (type 41) tobacco (36 F.R. 2395), and for Maryland tobacco (36 F.R. 2395).

The Secretary announced that a referendum would be held during the period February 22-26, 1971, each inclusive, for Cigar-filler (type 41) tobacco (36 F.R. 2416), and for Maryland tobacco (36 F.R. 2416), to determine whether Cigar-filler (type 41) tobacco producers, and Maryland tobacco producers, respectively, were in favor of marketing quotas for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Since the only purpose of this document is to proclaim the results of the referenda and to provide a petition procedure, it is hereby found and determined that with respect to these proclamations, compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 723.21 Cigar-filler (type 41) and Maryland—1971-72, 1972-73, and 1973-74 marketing years.

(a) *Cigar-filler (type 41).* In a referendum held during the period February 22 to 26, 1971, each inclusive, of farmers engaged in the production of the 1970 crop of Cigar-filler (type 41) tobacco, 1,412 farmers voted. Of those voting, 318 or 22.5 percent, favored national marketing quotas for the 3 marketing years, 1971-72, 1972-73, and 1973-74; and 1,094, or 77.5 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Cigar-filler (type 41) tobacco of 44.4 million pounds for the marketing year beginning October 1, 1971, proclaimed on February 1, 1971 (36 F.R. 2395), becomes ineffective. Therefore, marketing quotas will not be in effect on Cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1971; nor, as national marketing quotas have been disapproved in 3 successive years since 1952 (18 F.R. 8474; 19 F.R. 9365; 21 F.R. 667), for the marketing years beginning October 1, 1972, and October 1, 1973, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1971, or prior to November 10, 1972, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next 3 succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) *Maryland.* In a referendum held during the period February 22 to 26, 1971, each inclusive, of farmers engaged in the production of the 1970 crop of Maryland tobacco, 3,976 farmers voted. Of those voting, 763 or 19.2 percent, favored national marketing quotas for the 3 marketing years, 1971-72, 1972-73, and 1973-74; and 3,213, or 80.8 percent, were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for



Maryland tobacco of 50.9 million pounds for the marketing year beginning October 1, 1971, proclaimed on February 1, 1971 (36 F.R. 2395) becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1971; nor, as national marketing quotas have been disapproved in 3 successive years since 1952 (31 F.R. 4580; 32 F.R. 4305; 33 F.R. 4787), for the marketing years beginning October 1, 1972, and October 1, 1973, respectively, unless pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1971, or prior to November 10, 1972, by one-fourth or more of eligible farmers to proclaim national marketing quotas for the next 3 succeeding marketing years, respectively, and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(c) *Petition procedure.* Any petition under paragraph (a) of section 312 shall be in writing and submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1971, in the case of a petition for marketing quotas for the marketing years 1972-73, 1973-74, and 1974-75, or prior to November 10, 1972, in the case of a petition for marketing quotas for the marketing years 1973-74, 1974-75, and 1975-76. Any such petition shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for Cigar-filler (type 41) tobacco, or for Maryland tobacco, as the case may be, for the years stated in the petition, and the holding of a referendum; and shall show that such persons are producers engaged in the production of the crop of Cigar-filler (type 41) tobacco, or Maryland tobacco, as the case may be, harvested in the calendar year preceding the first of the marketing years stated in the petition, and constitute one-fourth or more of the producers so engaged.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on March 31, 1971.

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

[FR Doc. 71-4892 Filed 4-7-71; 8:48 am]

#### PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

##### Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referendum Results

MARKETING QUOTA REFERENDUM RESULTS  
*Basis and purpose.* Section 724.21 is issued pursuant to and in accordance

with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the results of the Virginia sun-cured tobacco marketing quota referendum for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Under the provisions of the same section of the Act, the Secretary proclaimed national marketing quotas for Virginia sun-cured tobacco for 1971-72, 1972-73, and 1973-74 marketing years, and announced the amount of the national marketing quota for such kind of tobacco for the 1971 marketing year (36 F.R. 2396). The Secretary announced (36 F.R. 2416) that a referendum would be conducted by mail ballot during the period February 22 to 26, each inclusive, to determine whether Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Since the only purpose of this document is to proclaim the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

#### § 724.21 Virginia sun-cured tobacco—1971-72, 1972-73, and 1973-74 marketing years.

In a referendum of farmers engaged in the production of the 1970 crop of Virginia sun-cured tobacco held during the period February 22 to 26, each inclusive, 665 farmers voted. Of those voting, 629 or 94.6 percent, favored quotas for a period of 3 years beginning October 1, 1971; 36 or 5.4 percent were opposed to quotas. Therefore, the national marketing quota of 2,495,000 pounds proclaimed February 1, 1971 (36 F.R. 2396) for Virginia sun-cured tobacco for the 1971-72 marketing year will be in effect, and marketing quotas will be in effect for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on March 31, 1971.

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

[FR Doc. 71-4893 Filed 4-7-71; 8:48 am]

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

##### SUBCHAPTER H—DETERMINATION OF WAGE RATES

#### PART 862—WAGE RATES: SUGAR BEETS

##### Correction

In F.R. Doc. 71-4429 appearing at page 5901 in the issue of Wednesday, March 31, 1971, the following changes should be made in the "Statement of Bases and Considerations":

1. The word "standard" in the first and second lines of the second paragraph should read "standards".

2. The word "power" in the 11th line of the second complete paragraph in the third column on page 5903 should read "grower".

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

[Navel Orange Reg. 233]

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

##### Limitation of Handling

#### § 907.533 Navel Orange Regulation 233.

(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 April 6, 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 9, 1971, through April 15, 1971, are hereby fixed as follows:

- (i) District 1: 693,000 cartons;
- (ii) District 2: 207,000 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: April 7, 1971.

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

[FR Doc.71-5039 Filed 4-7-71; 11:18 am]

[Valencia Orange Reg. 342]

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

## **Limitation of Handling**

§ 908.642 Valencia Orange Regulation 342.

(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 April 6, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 9, 1971, through April 15, 1971, are hereby fixed as follows:

- (i) District 1: 30,172 cartons;
- (ii) District 2: Unlimited;
- (iii) District 3: 134,619 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: April 7, 1971.

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

[FR Doc.71-5070 Filed 4-7-71; 11:18 am]

# **PART 999—SPECIALTY CROPS; IMPORT REGULATIONS**

## **Importation of Dates; Revision of Grade Requirements**

Notice was published in the January 28, 1971, issue of the FEDERAL REGISTER (36 F.R. 1354) regarding a proposal by the Department to revise the present grade requirements (7 CFR 999.1 (b) (1)) for imported dates, other than dates for processing, from a modified U.S. Grade C of the U.S. Standards for Grades of Dates (7 CFR 52.1001-52.1011) to a grade comparable to the modified U.S. Grade B grade applicable to the handling of domestic dates (§ 987.203(a), 35 F.R. 17528) under Order No. 987 (7 CFR Part 987). The requirements gov-

erning the importation of dates (7 CFR 999.1) are effective pursuant to section 8e (7 U.S.C. 608e-1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; and three such submissions were received. As hereinafter discussed, the proposed revision of grade requirements governing the importation of dates as published in the FEDERAL REGISTER (36 F.R. 1354) is adopted with minor changes to correct inadvertent omissions or for clarification purposes.

A concern expressed in one of the comments was that the differences between domestic and imported dates recognized in the proposed revision of the import grade requirements reflect the experience of only the 1970 date crop, and that it may be necessary to recognize other important differences in future years. While stating that no objection was being made to the proposed revision, the comments contained no suggestions or recommendations, or indicated any such other differences, to provide a basis for modifying the proposed revision of the grade requirements for imported dates.

In other comments, it was suggested that the uniformity of size requirements for imported dates should be different from that for domestic dates, i.e., the uniformity of size requirement should be the same as for U.S. Grade C rather than the U.S. Grade B requirement for domestic dates. Also, it was suggested that the uniformity of size requirement of U.S. Grade B might preclude the importation of some lots of dates. However, according to the Department's records of date inspections, lots of imported dates normally are fairly uniform in size, i.e., they met the uniformity of size requirement under U.S. Grade C that not more than a total of 20 percent, by weight, of the dates are conspicuously larger or smaller than the approximate average size of the dates in the particular lot. Furthermore, the records covering the 1970 crop of imported dates reveal that all lots of such dates also met the somewhat tighter uniformity of size requirement under U.S. Grade B that dates shall be reasonably uniform in size, which permits a total of 15 percent, rather than 20 percent, conspicuous variation in size.

Another comment contended that the proposed revision should recognize "the normal blistering and peeling tendency of the thin skin characteristic of imported dates" and, therefore, provide an unlimited tolerance for broken skin in determining the grade of imported pitted dates. Under U.S. Grade B, not more than 20 percent, by weight, of the dates may be damaged by broken skin and such damage is defined as any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three sixteenths ( $\frac{3}{16}$ ) inch. According to the



forementioned inspection records covering the 1970 crop of imported dates, no lots of imported dates exceeded the 20 percent tolerance for damage by broken skin. Rather, all such lots generally were well within the 20 percent tolerance.

Exception was also taken to the proposed revision which would provide an additional tolerance to that provided under U.S. Grade B for semidry and dry calyx ends. It was stated "that while semidry or dry calyx ends may be a common characteristic for reasonably good character domestic dates, they are characteristic of the poorer quality Sayir or Hallowi imported varieties, and in effect would lower the standards for Grade B imports (formerly Grade C)". Providing the increased total tolerance for semidry and dry calyx ends is not intended to, nor does it in any manner, change the grade requirements prescribed in U.S. Grade B. Thus, any dates, whether domestic or imported, to be graded as U.S. Grade B dates must still meet all of the requirements of such grade. In any event, the proposed revision of the import grade requirements would result in the importation of dates of a quality higher than that currently permitted.

With respect to the proposed total tolerance for semidry and dry calyx ends, another exception suggested that the additional tolerance need not be made applicable to those imported dates which do not require the additional tolerance, and that no changes be made in the current import requirements for such dates as regards color variation and dryness, and uniformity of size. As to the importation of dates generally, the proposed revision prescribes, as authorized by the act, such grade restrictions with respect to color variation and dryness, as are found to be comparable to those imposed upon domestic dates under Order No. 987.

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

After consideration of all relevant matter presented, including that in the notice, the written comments received pursuant to the notice, and other available information, it is hereby found that the grade requirements (§ 999.1(b)(1)), hereinafter set forth for imported dates are comparable to the restrictions (§ 987.203(a), 35 F.R. 17528) imposed upon domestic dates handled under Order No. 987 (7 CFR Part 987), and are pursuant to, in accordance with, and tend to effectuate the declared policy of the act.

Therefore, § 999.1 Regulation governing the importation of dates (7 CFR

999.1) is amended by revising paragraph (b)(1) thereof to read as follows:

§ 999.1 Regulation governing the importation of dates.

(b) *Grade requirements.* (1) Except as provided in paragraph (d) of this section, the importation into the United States of any lot of dates for packaging or dates in retail packages is prohibited unless the dates are wholesome and unadulterated and meet the following grade requirements which are determined to be comparable to those imposed upon domestic dates handled pursuant to Order No. 987, as amended (7 CFR Part 987): The whole or pitted dates in the lot are of one variety, and are of such quality and condition that upon inspection on the basis of a representative sample thereof, with hydration (of the sample) in accordance with good commercial practice or without any hydration, the dates possess a reasonably good color, are reasonably uniform in size, are reasonably free from defects, possess a reasonably good character, and score not less than 80 points when scored in accordance with the scoring system applicable to U.S. Grade B dates, as prescribed in the U.S. Standards for Grades of Dates (7 CFR 52.1001-52.1011): *Provided*, That not more than 25 percent, by weight, of the dates may possess semidry or dry calyx ends except that not more than 5 percent, by weight, of the dates may possess dry calyx ends: *And provided further*, That in determining the grade for pitted dates, the pitted dates shall not be scored as damaged because of the longitudinal slit caused by removing the pit or the mashing resulting therefrom unless the flesh is seriously torn or mangled.

Dated April 2, 1971, to become effective 30 days following the date of publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[FR Doc.71-4936 Filed 4-7-71; 8:52 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. 71-538]

### 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, in paragraph (e) (10) relating to the State of Texas, subdivision (iii) relating to Harris County is deleted, and subdivision (i) relating to Bexar and El Paso Counties is amended to read:

(10) *Texas.* (i) All of Bexar, El Paso, Harris, Liberty, and Montgomery Counties.

(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 all of Liberty and Montgomery Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined counties.

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

Done at Washington, D.C., this 2d day of April 1971.

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

[FR Doc.71-4891 Filed 4-7-71; 8:48 am]

## Title 12—BANKS AND BANKING

### Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

#### PART 1—INVESTMENT SECURITIES REGULATION

#### Miscellaneous Amendments

This amendment is issued pursuant to the authority contained in the national banking laws (12 U.S.C. 1 et seq.) and in particular in paragraph Seventh of 12 U.S.C. 24. It revises portions of Part 1



relating to the purchase, sale, dealing in, underwriting, and holding of investment securities by national banks. Notice of the proposed amendment of Part 1 was published in the FEDERAL REGISTER on February 18, 1971 (36 F.R. 3122). A number of comments were received following publication and have been carefully considered. This amendment, however, differs from the published proposed amendment only in minor refinements of language.

Since the amendment reflects changes resulting from a judicial decision and amendments of law and does not impose substantial new requirements for which further notice would be necessary and desirable, delayed effectiveness is unnecessary and contrary to the public interest. This amendment accordingly will become effective upon publication.

Part 1, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended by revising §§ 1.3 through 1.7 and § 1.9 to read as follows:

**§ 1.3 Definitions.**

(a) The term "bank" includes national banks, banks located in the District of Columbia, and State banks which are members of the Federal Reserve System.

(b) The term "investment security" means a marketable obligation in the form of a bond, note, or debenture which is commonly regarded as an investment security. It does not include investments which are predominantly speculative in nature.

(c) The term "Type I security" means a security which a bank may deal in, underwrite, purchase and sell for its own account without limitation. These include obligations of the United States, general obligations of any State of the United States or any political subdivision thereof and other obligations listed in paragraph Seventh of 12 U.S.C. 24.

(d) The term "Type II security" means a security which a bank may deal in, underwrite, purchase, and sell for its own account, subject to a 10 percent limitation. These include obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, and obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university or dormitory purposes.

(e) The term "Type III security" means a security which a bank may purchase and sell for its own account, subject to a 10-percent limitation, but may neither deal in nor underwrite.

(f) The term "political subdivision of any State" includes a county, city, town, or other municipal corporation, a public authority, and generally any publicly owned entity which is an instrumentality of the State or of a municipal corporation.

(g) The phrase "general obligation of any State or any political subdivision thereof" means an obligation supported

by the full faith and credit of an obligor possessing general powers of taxation, including property taxation. It includes an obligation payable from a special fund or by an obligor not possessing general powers of taxation when an obligor possessing general powers of taxation, including property taxation, has unconditionally promised to make payments into the fund or otherwise available for the payment of the obligation of amounts which (together with any other funds available for the purpose) will be sufficient to provide for all required payments in connection with the obligation.

**§ 1.4 Type I securities; standards for authorized transactions.**

Type I securities are not subject to the limitations and restrictions contained in 12 U.S.C. 24 or in this Part other than §§ 1.3(c), 1.3(g), 1.4, 1.8, 1.9, and 1.11. Consequently, a bank may deal in, underwrite, purchase, and sell for its own account a security of Type I subject only to the exercise of prudent banking judgment. Prudence will require such determinations as are appropriate for the type of transaction involved. For the purpose of underwriting or investment, prudence will also require a consideration of the resources and obligations of the obligor and a determination that the obligor possesses resources sufficient to provide for all required payments in connection with the obligations.

**§ 1.5 Types II and III securities; purchase standards.**

(a) *Evidence of obligor's ability to perform and of marketability.* A bank may purchase a security of Type II or III for its own account when in its prudent banking judgment (which may be based in part upon estimates which it believes to be reliable), it determines that there is adequate evidence that the obligor will be able to perform all that it undertakes to perform in connection with the security, including all debt service requirements, and that the security is marketable, that is, that it may be sold with reasonable promptness at a price which corresponds reasonably to its fair value.

(b) *Judgment based predominantly upon reliable estimates.* A bank may, subject to limitations set forth in § 1.7(b), purchase a security of Type II or III for its own account although its judgment with respect to the obligor's ability to perform is based predominantly upon estimates which it believes to be reliable. Although the appraisal of the prospects of any obligor will usually be based in part upon estimates, it is the purpose of this paragraph to permit a bank to exercise a somewhat broader range of judgment with respect to a more restricted portion of its investment portfolio. It is expected that this authority may be exercised not only in the absence of a record of performance but also when there are prospects for improved performance. It is also expected that a security purchased pursuant to this paragraph may, by the establishment of a satisfactory financial record, become

eligible for purchase under paragraph (a) of this section.

(c) *Securities ruled eligible by the Comptroller of the Currency.* A bank may consider as a factor in reaching its prudent banking judgment with respect to a security a ruling published by the Comptroller of the Currency on the eligibility of such security for purchase. Consideration must also be given, however, to the possibility that circumstances on which the ruling was based may have changed since the time of the ruling.

**§ 1.6 Type II securities; authority to deal in and underwrite.**

A bank may deal in and underwrite the obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the Tennessee Valley Authority, or obligations issued by any State or political subdivision or any agency of a State or a political subdivision for housing, university, or dormitory purposes.

**§ 1.7 Types II and III securities; limitations on holdings.**

(a) *Obligations of any one obligor.* A bank may not hold at any time Types II and III securities of any one obligor in a total amount in excess of 10 percent of the bank's capital and surplus. For this purpose, the amount of a security is to be determined on the basis of the par or face value of the security. In the case of Type II securities, obligations for the purpose of this limitation include obligations held as a result of underwriting, dealing in, or purchasing for its own account including obligations as to which the bank is under commitment.

(b) *Obligations purchased predominantly on the basis of reliable estimates.* A bank may not hold at any time securities which would not be eligible for purchase pursuant to paragraph (a) of § 1.5 in a total amount in excess of 5 percent of the bank's capital and surplus.

(c) *Limitations prescribed in eligibility rulings.* When a ruling published by the Comptroller of the Currency provides that a security is eligible for purchase subject to a specified limitation, a bank may not at any time thereafter purchase such security, if, after such purchase, the bank's holdings of such security would be in excess of the specified limitation.

**§ 1.9 Requests for rulings.**

Any bank may request the Comptroller of the Currency to rule on the application of this part, or paragraph Seventh of 12 U.S.C. 24, to any security which it holds, or desires to purchase for its own account as an investment security; or which it holds, or desires to deal in, underwrite, purchase, hold, or sell as a security of Type I or II. Such a request for a ruling should be supported by (a) information sufficient to enable the Comptroller to make the necessary deter-



mination and (b) the bank's appraisal of the information furnished.

Dated: April 5, 1971.

[SEAL] WILLIAM B. CAMP,  
Comptroller of the Currency.  
[FR Doc.71-4884 Filed 4-7-71;8:47 am]

## PART 14—CHANGES IN CAPITAL STRUCTURE

### Authorized but Unissued Stock

This amendment is issued pursuant to the authority contained in the national banking laws (12 U.S.C. 1 et seq.) and in particular 12 U.S.C. 57. It revises § 14.2 relating to authorized but unissued stock by establishing criteria under which national banks may have authorized but unissued stock. Notice of the proposed amendment of Part 14 was published in the *FEDERAL REGISTER* on February 18, 1971 (36 F.R. 3125). This amendment takes into account comments received in response to that publication.

Since the amendment does not impose substantial new requirements for which further notice would be necessary and desirable, delayed effectiveness is unnecessary and contrary to the public interest. This amendment accordingly will become effective upon publication.

Part 14, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is hereby amended by revising § 14.2 to read as follows:

#### § 14.2 Authorized but unissued stock.

(a) Any national banking association, with the approval of the Comptroller and by vote of stockholders owning two-thirds of the stock of the bank entitled to vote, may authorize an increase in the common stock of the bank in the category of authorized but unissued stock, except that the approval of the Comptroller shall not be required where the resulting amount of common stock in the category of authorized but unissued stock will satisfy either of the following criteria:

(1) Where the resulting total amount of authorized but unissued stock will be free of preemptive rights of shareholders and will not exceed 25 percent of the currently issued and outstanding stock. The 25 percent limitation may be calculated without regard to authorized but unissued stock which is specifically designated as being reserved for issuance in connection with employee stock option plans, employee stock purchase plans, employee bonus plans, or other similar programs, provided that such plan has been approved by the Comptroller of the Currency, and shares held for the purpose of satisfying the requirements of convertible capital notes or convertible preferred stock subject to the Comptroller's approval of the convertible capital note or preferred stock issue as required by this Part 14, or

(2) Where the resulting total amount of authorized but unissued stock, exclusive of that amount specifically reserved for issuance in connection with employee compensation programs and for satisfy-

ing requirements of the convertible securities of the banking association as referred to in the preceding subparagraph (1) of this paragraph, will be subject to preemptive rights of shareholders and will not exceed 50 percent of the currently issued and outstanding stock.

(b) Authorized but unissued stock may be issued from time to time as stock dividends or for such other purposes and considerations as may be approved by the board of directors of the bank, and by the Comptroller. Any request for approval of the Comptroller for such issuance should be in writing and submitted to the appropriate Regional Administrator of National Banks.

(c) Authorized but unissued stock may also be issued from time to time to employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with Part 13 of this chapter, or in exchange for convertible preferred stock or convertible capital notes or debentures in accordance with the terms and provisions of such securities.

(d) Nothing contained herein shall be construed as relieving any bank of the obligation to file, with the Comptroller, pursuant to 12 U.S.C. 21a, a certified copy of every amendment to the Articles of Association adopted by the shareholders. The original certificate shall be forwarded to the Comptroller at the Washington office and a copy shall be sent to the appropriate Regional Administrator of National Banks.

Dated: April 5, 1971.

[SEAL] WILLIAM B. CAMP,  
Comptroller of the Currency.  
[FR Doc.71-4885 Filed 4-7-71;8:47 am]

## PART 20—INTERNATIONAL OPERATIONS REGULATION

This amendment, issued pursuant to the authority contained in the national banking laws (12 U.S.C. 1 et seq.), revises in its entirety Part 20 relating to the international financial activities of national banks. The purpose of this amendment is to reduce the number and increase the usefulness of the reports required to be filed. Notice of the proposed amendment was published in the *FEDERAL REGISTER* on February 18, 1971 (36 F.R. 3125). This amendment takes into account comments received in response to that publication.

Since the amendment does not impose substantial new requirements for which further notice would be necessary and desirable, delayed effectiveness is unnecessary and contrary to the public interest. This amendment accordingly will become effective upon publication.

Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is hereby amended by revising Part 20 to read as follows:

- Sec.  
20.1 Authority and policy.  
20.2 Definitions and terms.  
20.3 Prior notification of international activities.  
20.4 Reporting of international activities.

AUTHORITY: The provisions of this Part 20 issued under 12 U.S.C. 1 et seq.

### § 20.1 Authority and policy.

(a) *Authority.* This part is issued under the authority of the national banking laws, 12 U.S.C. 1 et seq.

(b) *Policy.* (1) Prior notification will be required of the intention of a national bank to establish a branch in a foreign country or to directly or indirectly acquire an interest in an Edge Act corporation, agreement corporation, or foreign bank.

(2) Reports on certain other international activities must be reported to the Comptroller within 30 days of the event. The required notifications and reports will provide the basis, where needed, for special examinations by this office, and for the issuance of appropriate instructions.

### § 20.2 Definitions and terms.

For the purpose of this part:

(a) "Edge Act corporation" means a corporation organized under the provisions of 12 U.S.C. 611-632.

(b) "Agreement corporation" means a corporation which has entered into an agreement or undertaking in accordance with the provisions of 12 U.S.C. 603.

(c) "Foreign bank" means a corporation or other association organized under the laws of a foreign country, or of a dependency or insular possession of the United States or a foreign country, which is principally engaged in a commercial banking business.

(d) "Control" of a bank or corporation by a national bank or by an Edge Act corporation or an agreement corporation shall be presumed where a national bank, an Edge Act corporation or an agreement corporation has acquired 25 percent or more of the voting shares of the bank or corporation.

### § 20.3 Prior notification of international activities.

(a) *Prior notification.* Before a national bank may engage in any of the following international activities, notification to the Comptroller of the Currency is required as stipulated below:

(1) Upon application to the Board of Governors of the Federal Reserve System to establish the initial branch of a national bank in any foreign country, or in any dependency or insular possession of the United States or a foreign country; and 30 days prior to the establishment of any additional branches in a foreign country, or dependency or insular possession of the United States or foreign country.

(2) Upon application to the Board of Governors of the Federal Reserve System by a national bank to directly or indirectly acquire a controlling interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) At least 30 days prior to the direct or indirect acquisition of less than a controlling interest in any Edge Act corporation, agreement corporation or foreign bank, if the cost of such acquisition exceeds \$1 million.



(b) *Forms.* Prior notification shall be made on forms provided by the Comptroller of the Currency.

§ 20.4 Reporting of international activities.

(a) *Reports.* A report shall be made to the Comptroller of the Currency within 30 days of the occurrence of any of the following international activities:

(1) The relocation or opening of a branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country.

(2) The acquisition or disposition by a national bank of any interest in an Edge Act corporation, agreement corporation or foreign bank.

(3) The suspension of operations or final closing of any branch of a national bank in a foreign country, or in a dependency or insular possession of the United States or a foreign country; or the suspension of operations or final closing of any foreign bank in which a national bank holds an interest.

(b) *Forms.* Reports shall be made on forms provided by the Comptroller of the Currency.

Dated: April 5, 1971.

[SEAL] WILLIAM B. CAMP,  
Comptroller of the Currency.

[FR Doc.71-4886 Filed 4-7-71;8:47 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[71-323]

PART 545—OPERATIONS

Negotiating Rate of Interest on Fixed-Rate, Fixed-Term Savings Deposits of Federal Savings and Loan Associations

MARCH 31, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.1-4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-4) for the purposes of (i) authorizing the negotiation of the rate of interest a Federal savings and loan association will pay on a particular savings deposit and (ii) making it clear that the rate of interest on accounts authorized by said § 545.1-4 may be fixed or negotiated without regard to the rates of interest paid on such association's other savings deposits. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.1-4 by revising paragraphs (b) and (c) thereof to read as follows, effective April 8, 1971:

§ 545.1-4 Other savings deposits.

(b) *Payment of interest.* Interest on savings deposits authorized by this section shall be paid at the rate fixed, or negotiated on an individual basis, by the association prior to the acceptance of the deposit; but such rate shall not exceed

the applicable maximum rate prescribed in Part 526 of this chapter. The board of directors of the association shall provide that interest on such savings deposits, or designated classes thereof, shall be paid either quarterly, semiannually, annually, at the conclusion of the fixed term, or on any dates on which interest may be paid on savings deposits authorized by § 545.1-2. The board of directors of the association may provide for the payment of interest on savings deposits authorized by this section on the same basis, terms, and conditions as is provided for the distribution of earnings on savings accounts by § 545.1-1.

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

(1) Provide for any forfeiture for breach of condition on the part of any depositor, other than loss of interest, or partial loss thereof, for the term of the savings deposit or other specified time period;

(2) Issue any negotiable form of certificate evidencing a savings deposit;

(3) Accept any fixed-term savings deposit for a term of less than 60 days or more than 10 years: *Provided*, That any savings deposit may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal;

(4) Issue any fixed-term savings deposit which is subject to redemption;

(5) Provide for withdrawal from any fixed-term savings deposit prior to the expiration of that term, except as provided in paragraph (f) of this section; or

(6) Issue any form of certificate evidencing a savings deposit under this section unless the association has first (i) obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the association uses a form of certificate which has already been approved by the Corporation for use by Federal associations.

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

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that the authority contained in said amendments become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendments are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since such amendments relieve restriction, publication for the 30-

day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments is unnecessary; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,  
Secretary.

[FR Doc.71-4894 Filed 4-7-71;8:48 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[71-324]

PART 563—OPERATIONS

Negotiating Rate of Return on Fixed-Rate, Fixed-Term Accounts of State-Chartered Insured Institutions

MARCH 31, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 563.3-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.3-1) for the purpose of permitting State-chartered insured institutions to negotiate the rate of return such an institution will pay on a particular fixed-rate, fixed-term account. Accordingly, the Federal Home Loan Bank Board hereby amends said § 563.3-1 by revising paragraph (b) thereof to read as follows, effective April 8, 1971:

§ 563.3-1 Fixed-rate, fixed-term accounts.

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

(1) Provide for the payment of interest on any fixed-rate, fixed-term account in excess of the applicable maximum rate of return prescribed in Part 526 of this chapter;

(2) Provide for any forfeiture for breach of condition on the part of any holder, other than loss of interest, or partial loss thereof, for the term of the fixed-rate, fixed-term account or other specified time period;

(3) Issue any negotiable form of certificate evidencing a fixed-rate, fixed-term account;

(4) Accept any fixed-rate, fixed-term account for a term of less than 60 days or more than 10 years: *Provided*, That any fixed-rate, fixed-term account may provide for renewal at the option of the institution, for successive periods not exceeding 10 years for each renewal;

(5) Provide for withdrawal from any fixed-rate, fixed-term account prior to the expiration of the fixed term, except as provided in paragraph (d) of this section;

(6) Issue any fixed-rate, fixed-term account which is subject to redemption; or

(7) Issue any form of certificate evidencing a fixed-rate, fixed-term account unless the institution has first (i)



obtained a written opinion by its legal counsel that such form of certificate complies with the requirements of applicable law and regulations and the institution's charter, constitution, and bylaws, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the institution uses a form of certificate which has already been approved by the Corporation for use by insured institutions in the State where such institution is located.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

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

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc. 71-4895 Filed 4-7-71; 8:48 am]

[71-325]

## PART 564—SETTLEMENT OF INSURANCE

### Valuation of Certain Trust Interests in Determining Insurance of Accounts

MARCH 31, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 1211) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 564.2 of the rules and regulations for Insurance of Accounts (12 CFR 564.2) for the purpose of modifying the standards used for a valuation of trust interests in determining insurance of accounts. Accordingly, the Federal Home Loan Bank Board hereby amends § 564.2 by revising subparagraph (c) (1) to read as follows, effective July 1, 1971:

### § 564.2 General principles applicable in determining insurance of accounts:

(c) *Valuation of trust interests.* (1) Trust estates in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031-10 of the Federal Estate Tax Regulations (26 CFR 20.2031-10).

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

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc. 71-4896 Filed 4-7-71; 8:48 am]

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10521; Amdt. 39-1191]

## PART 39—AIRWORTHINESS DIRECTIVES

### British Aircraft Corp. Viscount Models Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the existing transistor T.1 in the Rotax voltage sensing unit with a new transistor on British Aircraft Corp. Viscount Models 744, 745D, and 810 series airplanes was published in the FEDERAL REGISTER, 35 F.R. 13460.

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

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

BRITISH AIRCRAFT CORP. Applies to Vickers Viscount Models 744, 745D, and 810 series airplanes.

Compliance is required as indicated.

To prevent a hazardous drift in the bus-bar undervoltage sensing unit setting, within the next 1,000 hours' time in service after the effective date of this AD or upon installation of the bus-bar undervoltage warning light in accordance with AD 70-2-4, which ever occurs later, incorporate Rotax Modification SP7174 by replacing the transistor T.1 in the Rotax Voltage Sensing Unit Type U3819 with a new transistor in accordance with Rotax Service Bulletin No. 24-368 dated

May 4, 1970, or later ARB-approved issue or an FAA approved equivalent. (British Aircraft Corp. Bulletin for Modification No. D3246, 3d Issue, dated May 12, 1970, and Bulletin for Modification FG.2123, 3d Issue, dated May 12, 1970 refer to this subject.)

This amendment becomes effective May 8, 1971.

(Sec. 313(a), 601, and 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. 71-4913 Filed 4-7-71; 8:50 am]

[Airworthiness Docket No. 71-SW-4, Amdt. 39-1182]

## PART 39—AIRWORTHINESS DIRECTIVES

### Bell Model Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive imposing a periodic inspection for cracks or corrosion in the spar lower surface from blade station 170 to 180 for certain main rotor blades, P/N 206-010-200-29, on Bell Model 206A helicopters was published in 36 F.R. 2514.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The NPRM was applicable only to certain serial number blades and did not include a blade repair procedure. However, the FAA has made the determination that all main rotor blades, P/N 206-010-200-29, must be inspected and the manufacturer's Service Bulletin now includes a blade repair procedure.

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

BELL. Applies to Model 206A helicopters certificated in all categories, equipped with main rotor blades, P/N 206-010-200-29.

Compliance required as indicated. To detect possible corrosion and fatigue cracks in the main rotor blade spar lower surface adjacent to the tip inertia weight attachment screws, accomplish the following:

a. Inspect those main rotor blades having 600 or more hours time in service on the effective date of this AD within 25 hours time in service therefrom, unless already accomplished in accordance with procedures listed below.

b. Inspect those main rotor blades having less than 600 hours time in service before reaching 625 hours time in service in accordance with the procedures listed below.

c. Accomplish repetitive inspections of the main rotor blades in accordance with the procedures listed below at intervals of not more than 25 hours time in service from the last inspection.



d. Visually inspect the lower surface of the blade from blade station 170 to 180 in the area of the screw heads for paint blisters, raised areas, paint cracks, and for exposed metal. (Blade station 0 is the center of the main rotor yoke.)

e. If any of the conditions in subparagraph d. are found, remove the finish in accordance with the instructions of Item 3.c. of Bell Helicopter Company Service Bulletin No. 206A-19, Revision A, dated March 12, 1971 or later FAA-approved revision, and inspect for corrosion and cracks in the spar adjacent to the screw heads using a dye penetrant or equivalent inspection method.

f. If no corrosion or cracks are found, treat and refinish the unpainted area in accordance with Item 4.b. of Bell Helicopter Company Service Bulletin No. 206A-19, Revision A, dated March 12, 1971, or later FAA-approved revision.

g. If corrosion is found, follow repair and limitation instructions on page 2-18A, paragraph 2-16, subparagraph e(3) in the Model 206A Maintenance and Overhaul Manual as revised October 15, 1970 or FAA-approved equivalent.

h. If cracks are found, remove and replace the blade before further flight.

This amendment becomes effective May 5, 1971.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Co., Post Office Box 482, Fort Worth, TX 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, TX, and at FAA Headquarters, 800 Independence Avenue SW., Washington, DC. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Tex.

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

Issued in Fort Worth, Tex., on March 24, 1971.

HENRY L. NEWMAN,  
Director, Southwest Region.

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

[FR Doc.71-4914 Filed 4-7-71;8:50 am]

[Airspace Docket No. 71-SO-45]

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

## Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Myers, Fla., transition area.

The Fort Myers transition area is described in § 71.181 (36 F.R. 2140 and 5211). In the description, an extension is predicated on the 219° bearing from Tice RBN. Effective May 27, 1971, the final approach bearing for NDB RWY 5. Instrument Approach Procedure to Page Field will be refined to the 220° bearing. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

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

In § 71.181 (36 F.R. 2140), the Fort Myers, Fla., transition area (36 F.R. 5211) is amended as follows: " \* \* 219° bearing from Tice RBN \* \* \* " is deleted and " \* \* 220° bearing from Tice RBN \* \* \* " is substituted therefor.

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

Issued in East Point, Ga., on March 30, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.71-4916 Filed 4-7-71;8:50 am]

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

# PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

## Standards for Determining Obstructions to Air Navigation Correction

In F.R. Doc. 71-4494 appearing at page 5968 in the issue for Thursday, April 1, 1971, the following changes should be made:

1. In § 77.21 a line of five asterisks should appear immediately following paragraph (b) to indicate the existence of omitted text.

2. In the introductory text of § 77.25 (c) (3) the word "runway" should read "runways".

3. In § 77.28 a line of five asterisks should appear between paragraphs (a) and (b) to indicate the existence of omitted text.

4. In § 77.29(b) the word "in" appearing in the seventh line should read "is".

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. C-1878]

## PART 13—PROHIBITED TRADE PRACTICES

### Grayel Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*: 13.155—

15 *Comparative*; 13.155-40 *Exaggerated as regular and customary*; 13.155-100 *Usual as reduced, special, etc.*; § 13.157 *Prize contests*; § 13.255 *Surveys*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1663 *Individual's special selection or situation*; § 13.1705 *Prize contests*; § 13.1747 *Special or limited offers*; § 13.1757 *Surveys*; § 13.1760 *Terms and conditions*: 13.1760-50 *Sales contract*; Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative*; § 13.1805 *Exaggerated as regular and customary*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1905 *Terms and conditions*: 13.1905-50 *Sales contract*. Subpart—Using, selling, or supplying lottery devices: § 13.2480 *In merchandising*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Grayel Enterprises, Inc., et al., Baltimore, Md., Docket No. C-1878, Mar. 8, 1971]

*In the Matter of Grayel Enterprises, Inc., a Corporation, and Grayson W. Foster and Elinor O'Connor Foster, Individually and as Officers of Said Corporation*

Consent order requiring Baltimore, Md., sellers and distributors of household appliances, books, tools, and other merchandise to cease misrepresenting that respondents are conducting a market survey and that prospective customers have won a prize or have been specially selected, misrepresenting that respondents' purpose is to introduce the EMDEKO brand products, soliciting promises from buyers that they will not sell or give away any of respondents' products, failing to disclose that persons invited to visit respondents' place of business will be urged to buy respondents' products, operating a lottery, using the words "comparative value" to refer to prices in excess of prices in the trade area, misrepresenting that customers purchasing respondents' products are afforded savings, and failing to maintain adequate records to substantiate savings claims; respondents are also required to place on the face of all sales contracts a statement that the contract may be sold to a third party who is not liable for the execution of the contract; respondents shall also cease making sales contracts effective before the expiration of 3 days, failing to disclose to the buyer that he may rescind the sales contract prior to midnight of the third day, and negotiating any customer note to a third party before the expiration of 5 days.

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

I. *It is ordered*, That respondents Grayel Enterprises, Inc., a corporation, and its officers, and Grayson W. Foster and Elinor O'Connor Foster, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection



with the advertising, offering for sale, sale or distribution of household appliances, books, tools or any other product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents are conducting a market survey for future potential buying in the area.

(b) Prospective customers have won a prize by correctly answering a simple question.

(c) Prospective customers are especially selected.

(d) Customers are receiving a special introductory price.

(e) Customers are receiving additional merchandise at no additional cost.

(f) The respondents' purpose is to introduce and make known in the area the EMDEKO brand name in preparation for the placing of EMDEKO products in local retail stores.

2. Soliciting in any manner:

(a) Testimonials, or promises of future testimonials, from a buyer concerning the merchandise being offered for sale, prior to the consummation of any sales transaction, or prior to the termination of any period for rescission available to the buyer, whichever is later.

(b) Promises from a buyer that said buyer will not sell or give away merchandise being offered for sale, except where necessary to protect a security interest.

3. Operating a lottery.

4. Failing to disclose to all persons contacted for the purpose of selling respondents' merchandise to them that:

(a) Respondents' agents, representatives and employees will attempt to sell merchandise to persons invited to respondents' place of business to pick up a gift.

(b) Respondents' agents, representatives and employees will attempt to sell respondents' merchandise to persons who are invited to listen to, and evaluate, a presentation of the EMDEKO marketing program.

(c) It is necessary for a person to listen to a presentation of the EMDEKO marketing program in order to be eligible to enter the EMDEKO Sweepstakes Contest, provided that the EMDEKO Sweepstakes Contest has been brought to the attention of said person.

5. Using the words "value" or "comparative value", or words of similar import and meaning, to refer to any price amount which is appreciably in excess of the prices at which substantial sales of comparable merchandise have been made in the recent, regular course of business in the trade area where such words are used and unless respondents have in good faith conducted a market survey which establishes the validity of the trade area prices; or misrepresenting, in any manner, the price at which merchandise has been sold in any trade area.

6. Representing, in any manner, that by purchasing respondents' merchandise,

customers are afforded savings amounting to:

(a) The difference between respondents' stated price and the respondents' former price unless such merchandise has been sold, or offered for sale in good faith, at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) The difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) The difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

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

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

9. Representing, directly or by implication, that any offer is limited in point of time or restricted in any manner, unless the represented limitation or restriction is actually imposed and in good faith adhered to by respondents.

*It is further ordered*, That the respondents herein shall, in connection with the offering for sale, sale or distribution of respondents' products or services, incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

#### IMPORTANT NOTICE

If you are obtaining credit in connection with this contract, you will be required to sign a promissory note. This note may be purchased by a bank, finance company, or any other third party. If it is purchased by another party, you will be required to make your payments to the purchaser of the note. You should be aware that if this happens you may be required to pay the note in full to the new owner of the note even if this contract is not fulfilled.

II. *It is further ordered*, That the respondents herein shall, in connection with the offering for sale, sale or distribution of respondents' products or services, forthwith cease and desist from:

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

2. Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as is likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondents to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

3. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

4. Negotiating any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the date of execution by the buyer.

*Provided, however*, That nothing contained in Part II of this order shall relieve respondents of any additional obligations respecting contracts required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

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

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

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the



manner and form in which they have complied with this order.

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

Issued: March 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.71-4868 Filed 4-7-71;8:46 am]

[Docket No. 8770]

### PART 13—PROHIBITED TRADE PRACTICES

#### Marco Sales Co. and Marvin O. Baer

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Marco Sales Co. et al., Chicago, Ill., Docket No. 8770, Feb. 25, 1971)

In the Matter of Marco Sales Co., a Corporation, and Marvin O. Baer, Individually and as an officer of Said Corporation

Order requiring Chicago, Ill., sellers and distributors of numerous articles of merchandise to the public by means of a lottery scheme to cease supplying to others pushcards or other devices for the sale of merchandise by means of a game of chance or lottery, or selling any merchandise by such means.

The order to cease and desist, is as follows:

It is ordered, That respondents Marco Sales Co., a corporation, and its officers, and Marvin O. Baer, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others, pushcards or any other device designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, lottery scheme, chance, or gaming device.

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

It is further ordered, That respondents Marco Sales Co., a corporation, and Marvin O. Baer, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the adopted initial decision.

Issued: February 25, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.71-4869 Filed 4-7-71;8:46 am]

[Docket No. 8808]

### PART 13—PROHIBITED TRADE PRACTICES

#### H. Myerson Sons et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 *Textile Fiber Products Identification Act*; 13.1212-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 *Textile Fiber Products Identification Act*; 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) (Cease and desist order, H. Myerson Sons et al., Philadelphia, Pa., Docket No. 8808, Feb. 25, 1971)

In the Matter of H. Myerson Sons, a Partnership, and Windsor Fabrics, a Partnership, and Morris Myerson and Isadore Myerson, Individually and as Copartners Trading as H. Myerson Sons and as Windsor Fabrics

Order requiring Philadelphia, Pa., importers, retailers, and wholesalers of fabrics to cease misbranding its textile fiber products and wool products.

The order to cease and desist, is as follows:

It is ordered, that respondents Morris Myerson and Isadore Myerson, individually or trading under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be

transported of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using fiber trademarks on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label in immediate conjunction therewith and in type or lettering of equal size and conspicuousness.

4. Using generic names or fiber trademarks on any labels whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

It is further ordered, That respondents Morris Myerson and Isadore Myerson, individually or trading under any name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a) (2) of the Wool Products Labeling Act of 1939.

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

It is further ordered, That respondents, Morris Myerson and Isadore Myerson, individually or trading under any other name or names, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and



form of their compliance with the order to cease and desist.

Issued: February 25, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.71-4870 Filed 4-7-71;8:46 am]

[Docket No. C-1879]

### PART 13—PROHIBITED TRADE PRACTICES

Norfolk-Hill, Ltd., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.175 *Quality of product or service*; § 13.185 *Refunds, repairs, and replacements*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Norfolk-Hill, Ltd., et al., East Orange, N.J., Docket No. C-1879, Mar. 18, 1971]

*In the Matter of Norfolk-Hill, Ltd., a Corporation, and Norman Eisner, and Richard A. Jasper, Individually and as Officers of Said Corporation*

Consent order requiring an inactive corporation now located in East Orange, N.J., which formerly sold MEMOCORD tape recorders, books, automatic coin banks, painting sets and other articles to cease failing to make proper refunds, failing to clearly reveal the nature of deductions from refunds, making deceptive guarantees, failing to make shipment of merchandise within 10 days of receipt of order and misrepresenting the length of continuous operation of its tape recorders.

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

*It is ordered*, That respondents Norfolk-Hill, Ltd., a corporation, and its officers, and Norman Eisner and Richard A. Jasper, individually and as officers of said corporation, and respondents representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of tape recorders, books, coin banks, painting sets, records, toys, or any other product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do hereafter forthwith cease and desist from:

1. Failing, when requested, pursuant to a guarantee (hereafter made) of satisfaction or a full refund, to refund the purchase price in full of merchandise together with all charges paid by purchasers in connection with such purchase (hereafter made) voluntarily and within the time specified in respondents' advertisements, or if no time is specified, within a reasonable time not to exceed 15 days; or failing to make any other refunds to which a purchaser is entitled

within 15 days from the date of the receipt of the request for such refund.

2. Representing, directly or by implication, that respondents will make refunds in full for goods or merchandise which is returned when such refunds are subject to any deductions whatsoever; failing clearly and conspicuously to reveal in all advertising and promotional material the amount and nature of any deductions from refunds of purchase prices; or misrepresenting, in any manner, the amount of or deduction from refunds of purchase prices.

3. Representing, directly or by implication, that any product or service is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and the guarantor does in good faith promptly perform all of the actual and represented obligations under the terms of the guarantee.

4. Failing to make shipment of advertised goods or merchandise within 10 days from the date of receipt of the order and payment therefor or to return the full purchase price therefor to the purchaser.

5. Representing, directly or by implication, that tape recorders or any other kind of sound recording or reproduction device provide continuous or uninterrupted use when the user is required to make any change or adjustment whatsoever in the operation of the machine or device or when the sound recording or reproduction is in any manner interrupted during the represented period of time; or misrepresenting, in any manner, the performance or performance characteristics of respondent's products.

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

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

Issued: March 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.71-4871 Filed 4-7-71;8:46 am]

[Docket No. C-1877]

### PART 13—PROHIBITED TRADE PRACTICES

Tri-State Home Improvement Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.105 *Individual's*

*special selection or situation*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*; 13.155-33 *Demonstration reduction*; 13.155-100 *Usual as reduced, special, etc.*; § 13.157 *Prize contests*; § 13.170 *Qualities or properties of product or service*; 13.170-30 *Durability or permanence*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees*; § 13.1663 *Individual's special selection or situation*; § 13.1705 *Prize contests*; § 13.1710 *Qualities or properties*; § 13.1747 *Special or limited offers*; § 13.1760 *Terms and conditions*; 13.1760-50 *Sales contract*; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions*; § 13.1825 *Usual as reduced or to be increased*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*; § 13.1905 *Terms and conditions*; 13.1905-50 *Sales contract*. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tri-State Home Improvement Co., Inc., et al., Milwaukee, Wis., Docket No. C-1877, Mar. 1, 1971]

*In the Matter of Tri-State Home Improvement Co., Inc., a Corporation, and George Spector and Howard D. Spector, Individually and as Officers of Said Corporation*

Consent order requiring Milwaukee, Wis., sellers and distributors of home improvement products to cease misrepresenting that a prospective customer's home has been specially selected as a model home, that owners of such homes will be granted a discount or that any price is special or reduced, failing to maintain adequate records of its operations for a period of 5 years, misrepresenting that offers to sell are limited in time, that prize contests are being conducted, that respondents' siding material will last a lifetime, failing to disclose the nature and extent of its guarantees, failing to disclose orally at time of sale the required provisions of Regulation Z of the Truth in Lending Act, and failing to include on the face of all negotiable instruments a "Notice" that all holders of the note are subject to all defenses available in an action on a simple contract.

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

*It is ordered*, That respondents Tri-State Home Improvement Company, Inc., a corporation, and its officers, and George Spector and Howard D. Spector, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution or installation of home improvements, including residential siding, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:



1. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used or will be used as a model home, or otherwise, for advertising, demonstration or sales purposes.

2. Representing, directly or by implication, that any allowance, discount or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

3. Representing, directly or by implication, that any price for home improvements or any other products or services is a special or reduced price, unless such price constitutes a significant reduction from the price at which respondents have in good faith offered for sale or sold substantially similar home improvements or any products or services for a reasonably substantial period of time in the recent regular course of their business.

4. Failing to maintain adequate records:

(a) For a period of five (5) years which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in paragraphs 2 and 3 of this order.

(b) For a period of five (5) years, with regard to each and every contract hereafter entered into between respondents and their customers, which disclose, in itemized form, what each customer was charged, exclusive of interest or finance charges, for materials and for labor, and for those contracts involving siding, or the installation of siding, or both, additional information as to the total amount of siding materials and other materials installed or delivered to the customer, the type and grade of said siding and other materials, a description of the installation performed, the total amount of money paid to salesmen, agents or representatives for the solicitation of the said contracts, and what each customer was charged exclusive of interest or finance charges per square foot for the performance of the said contract.

(c) For a period of five (5) years invoices, notices for payment and all similar documents which respondents receive in the conduct of their business from suppliers, subcontractors and other persons, and for a period of five (5) years copies of all contracts entered into between respondents and their customers.

5. Representing, directly or by implication, that any offer to sell products is limited as to time, or is limited in any

other manner unless any represented limitation as to time or other represented restriction is actually imposed and in good faith adhered to by respondents.

6. Representing, directly or by implication, that contests to select the winners of prizes or awards are being conducted when all of such winners are not selected on the basis of a bona fide drawing or other competitive elimination.

7. Representing, directly or by implication, that awards or prizes are of a certain value or worth when the recipients thereof are not in fact benefited by or do not save the amount of the stated value or worth of such prizes or awards.

8. Representing, directly or by implication, that respondents' siding materials will last a lifetime or will not require repainting or repair for the life of the structure on which they are applied; or misrepresenting, in any manner, the efficacy, durability, efficiency, composition, or quality of respondents' products.

9. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or making any direct or implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations.

10. Failing to disclose orally at the time of sale and in writing to each customer who executes a conditional sales contract, promissory note, or other negotiable instrument, with such conspicuousness and clarity as is likely to be read and observed by the customer of all the following items:

(a) The cash price of the merchandise purchased.

(b) The sum of any amounts credited as down payment (including any trade-in).

(c) The difference between the amount referred to in paragraph (a) and the amount referred to in paragraph (b).

(d) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(e) The amount to be financed (the sum of the amount described in paragraph (c) plus the amount described in paragraph (d)).

(f) The amount of the finance charge.

(g) The finance charge expressed as an annual percentage rate.

(h) The total credit price (the sum of the amounts described in paragraph (e)

plus the amount described in paragraph (f) and the number, amount, and due dates or periods of payments scheduled to pay the total credit price).

(i) The total amount of charges, penalties or other consequences in the event of any default in payments.

(j) A description of any security interest held or to be retained or acquired by respondents in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

For the purpose of this paragraph, the definition of the term "finance charge" and computation of the annual percentage rate is to be determined under sections 106 and 107 of Public Law 90-321, the "Truth in Lending Act", and the regulations promulgated thereunder.

11. Failing to clearly and conspicuously incorporate the following statement on the face of all negotiable instruments executed by respondents' customers:

NOTICE

Any holder of this note shall take this note subject to all defenses of any party which would be available in an action on a simple contract.

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

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

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

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

Issued: March 1, 1971.

By the Commission.

[SEAL]

CHARLES A. TOBIN,  
Secretary.

[FR Doc.71-4872 Filed 4-7-71;8:46 am]



# Title 24—HOUSING AND HOUSING CREDIT

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

### SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

#### PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

##### List of Designated Areas

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

#### § 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	San Bernardino	Redlands	I 12 071 1070 05 through I 12 071 1070 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301.	Building and Zoning Department, City Hall, Post Office Drawer 2217, Fort Myers, FL 33902.	Apr. 9, 1971.
Florida	Lee	Fort Myers		State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.		Do.
Do.	Palm Beach	Delray Beach	I 12 099 0820 05 through I 12 099 0820 08	do.	Office of the City Engineer, City Hall, 100 Northwest 1st Ave., Delray Beach, FL 33444.	Do.
Do.	do	Ocean Ridge	I 12 099 2280 02 through I 12 099 2280 03	do.	Town Hall, 6450 North Ocean Blvd., Ocean Ridge, FL 33444.	Do.
Iowa	Webster	Fort Dodge	I 19 187 3020 07 through I 19 187 3020 12	Iowa Natural Resources Council, Grimes Bldg., Des Moines, IA 50319.	City Clerk's Office, Municipal Bldg., Fort Dodge, IA 50501.	Do.
Do.	do	do		Iowa Insurance Department, State Office Bldg., Des Moines, IA 50319.		Do.
Do.	Allmakee	Lansing				Do.
Do.	Clayton	McGregor				Do.
Minnesota	Washington	Lakeland				Do.
Do.	do	Lakeland Shores				Do.
Do.	Dakota	Lillydale				Do.
Missouri	Phelps	Newburg				Do.
New Jersey	Mercer	Hopewell Township				Do.
North Carolina	Dare	Southern Shores				Do.
North Dakota	Ward	Remainder				Do.
Pennsylvania	Northumberland	Milton Borough				Do.
Rhode Island	Newport	Middletown	I 44 005 0135 03 through I 44 005 0135 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903.	Town Hall, 350 East Main Road, Middletown, RI 02840.	Do.
South Carolina	Charleston	Charleston	I 45 019 0410 02 through I 45 019 0410 13	Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, RI 02903.	Office of the City Engineer, City Hall, Charleston, SC 29401.	Do.
Do.	do	Edisto Beach	I 45 019 0703 03	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201.	Mayor's Office, Town of Edisto Beach, McConkie St., Edisto Island, SC 29438.	Do.
Tennessee	Jefferson	Jefferson City	I 49 089 1230 05 through I 49 089 1230 06	South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	City Hall, Post Office Box 666, Jefferson City, TN 37760.	Do.
Texas	Galveston	Unincorporated areas	I 48 167 0000 03 through I 48 167 0000 13	Office of Federal and Urban Affairs, 321 7th Ave. North, Nashville, TN 37219.		Do.
Wisconsin	Marathon	do		Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601.	Office of the County Clerk, Galveston County Courthouse, Galveston, TX 77550.	Do.
Do.	Lincoln	Merrill		State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.		Do.
Do.	Manitowoc	Mishicot		Texas Water Development Board, 301 West 2d St., Austin, TX 78711.		Do.
Do.	Pepin	Unincorporated areas		Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.		Do.
Do.	Trempealeau	Strum				Do.
Do.	Crawford	Soldiers Grove				Do.
Do.	do	Wauzeka				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: April 8, 1971.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.71-4863 Filed 4-7-71;8:45 am]



PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

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

§ 1915.3 List of flood hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	San Bernardino	Redlands				Apr. 9, 1971.
Florida	Lee	Fort Myers	H 12 071 1070 05 through H 12 071 1070 08	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Building and Zoning Department, City Hall, Post Office Drawer 2217, Fort Myers, FL 33902.	Oct. 30, 1970.
Do.	Palm Beach	Delray Beach	H 12 099 0820 05 through H 12 099 0820 08	do.	Office of the City Engineer, City Hall, 100 Northwest 1st Ave., Delray Beach, FL 33444.	Oct. 16, 1970.
Do.	do.	Ocean Ridge	H 12 099 2280 02 H 12 099 2280 03	do.	Town Hall, 6450 North Ocean Blvd., Ocean Ridge, FL 33444.	June 16, 1970.
Iowa	Webster	Fort Dodge	H 19 187 3020 07 through H 19 187 3020 12	Iowa Natural Resources Council, Grimes Bldg., Des Moines, IA 50319. Iowa Insurance Department, State Office Bldg., Des Moines, IA 50319.	City Clerk's Office, Municipal Bldg., Fort Dodge, IA 50501.	Do.
Do.	Allamakee	Lansing				Apr. 9, 1971.
Do.	Clayton	McGregor				Do.
Minnesota	Washington	Lakeland				Do.
Do.	do.	Lakeland Shores				Do.
Do.	Dakota	Lilydale				Do.
Missouri	Phelps	Newburg				Do.
New Jersey	Mercer	Hopewell Township				Do.
North Carolina	Dare	Southern Shores				Do.
North Dakota	Ward	Remainder				Do.
Pennsylvania	Northumberland	Milton Borough				Do.
Rhode Island	Newport	Middletown	H 44 005 0135 03 H 44 005 0135 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, RI 02903. Rhode Island Insurance Department, Room 418, 40 Westminster St., Providence, RI 02903.	Town Hall, 350 East Main Rd., Middletown, RI 02840.	Sept. 8, 1970.
South Carolina	Charleston	Charleston	H 45 019 0410 02 through H 45 019 0410 13	South Carolina Water Resources Planning and Coordinating Committee, 1411 Barnwell St., Columbia, SC 29201. South Carolina Insurance Department, Federal Land Bank Bldg., 1401 Hampton St., Columbia, SC 29201.	Office of the City Engineer, City Hall, Charleston, SC 29401.	Oct. 30, 1970.
Do.	do.	Edisto Beach	H 45 019 0763 03	do.	Mayor's Office, Town of Edisto Beach, McConkie St., Edisto Island, SC 29438.	June 27, 1970.
Tennessee	Jefferson	Jefferson City	H 49 089 1230 05 H 49 089 1230 06	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	City Hall, Post Office Box 666, Jefferson City, TN 37700.	Oct. 23, 1970.
Texas	Galveston	Unincorporated areas.	H 48 167 0000 03 through H 48 167 0000 13	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Clerk, Galveston County Courthouse, Galveston, TX 77550.	June 16, 1970.
Wisconsin	Marathon	do				Apr. 9, 1971.
Do.	Lincoln	Merrill				Do.
Do.	Manitowoc	Mishicot				Do.
Do.	Pepin	Unincorporated areas.				Do.
Do.	Trempealeau	Strum				Do.
Do.	Crawford	Soldiers Grove				Do.
Do.	do.	Wauzeka				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969; and designation of Acting Federal Insurance Administrator effective July 22, 1970, 35 F.R. 12360, Aug. 1, 1970)

Issued: April 8, 1971.

CHARLES W. WIECKING,  
Acting Federal Insurance Administrator.

[FR Doc.71-4864 Filed 4-7-71;8:45 am]



## Title 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### SUBCHAPTER T—OPERATION AND MAINTENANCE

#### PART 221—OPERATION AND MAINTENANCE CHARGES

##### Fort Peck Indian Irrigation Project, Mont.

On page 4054 of the FEDERAL REGISTER of March 3, 1971, there was published a notice of intention to amend § 221.38, *Charges*, of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Fort Peck Indian Irrigation Project, Montana. The purpose of the amendment is to establish the assessment rate for 1971 and thereafter until further notice.

A 30-day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions, or objections. We have reviewed and considered the one protest we have received. Information does not indicate facts which would materially change the recommended charges. The proposed amendment is hereby adopted without change as set forth below.

##### FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

#### § 221.38 Charges.

(a) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water, when available, will be furnished to all irrigable non-Indian lands and to all Indian lands leased to non-Indians, to which delivery of water can be made, during the 1971 irrigation season and thereafter until further notice, at a minimum rate of \$4.50 per acre per annum whether water is used or not. Payment of the minimum rate entitles the water user to the delivery of 2 acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of \$2.25 per acre-foot or fraction thereof for the first additional acre-foot, \$2.25 per acre-foot or fraction thereof for the second additional acre-foot and \$2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(b) (1) For Indian land farmed by the Indian owner or leased and farmed by Indians, under that part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water, when available, will be furnished during the 1971 season and until further notice at a minimum rate of \$4.50 per acre per annum for the entire irrigable area included in the allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of 2 acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at

the rate of 2.25 per acre-foot or fraction thereof for the first additional acre-foot, and \$2.25 per acre-foot or fraction thereof for the second additional acre-foot, and \$2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(2) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under the service area of the Big Porcupine Unit or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of \$3 per acre-foot. Water measurement and delivery thereof will be made at the project limits.

(c) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer pumping plant) water, when available, will be furnished to all irrigable non-Indian lands and to all irrigable Indian-owned allotments leased to non-Indians (whether subjugated or not) to which delivery of water can be made during the 1971 irrigation season and until further notice at a minimum rate of \$4.50 per acre per annum whether water is used or not. Water, when available, will be furnished at a like minimum rate for the irrigable area for all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of 2 acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of \$2.25 per acre-foot or fraction thereof for the first additional acre-foot, \$2.35 per acre-foot or fraction thereof for the second additional acre-foot and \$2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

(d) For all Indian lands farmed by the Indian owner, or leased and farmed by Indians in the Frazer-Wolf Point Unit, not subjugated but to which water can be delivered, water, when available will be furnished during the 1971 irrigation season and thereafter until further notice at a minimum rate of \$4.50 per acre per annum for the entire irrigable area included in each allotment whether water is used or not. Payment of the minimum rate entitles the Indian water user to the delivery of 2 acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of \$2.25 per acre-foot or fraction thereof for the first additional acre-foot, \$2.25 per acre-foot or fraction thereof for the second additional acre-foot and \$2.25 per acre-foot or fraction thereof for water delivered in excess of the second additional acre-foot.

A. A. BAKER,  
Superintendent.

[FR Doc.71-4890 Filed 4-7-71;8:48 am]

## Title 28—JUDICIAL ADMINISTRATION

### Chapter I—Department of Justice

[Order No. 454-71]

#### PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

##### Subpart Q—Bureau of Prisons

##### RECIPROCAL AGREEMENTS FOR FIRE PROTECTION

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 0.96 of Subpart Q of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new paragraph (p):

#### § 0.96 Delegations.

(p) Entering into reciprocal agreements with fire organizations for mutual aid and rendering emergency assistance in connection with extinguishing fires within the vicinity of a Federal correctional facility, as authorized by sections 2 and 3 of the Act of May 27, 1955. (42 U.S.C. 1856a, 1856b.)

Dated: March 25, 1971.

JOHN N. MITCHELL,  
Attorney General.

[FR Doc.71-4879 Filed 4-7-71;8:47 am]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

#### SUBCHAPTER A—BUREAU OF ACCOUNTS

#### PART 202—DEPOSITARIES AND FI- NANCIAL AGENTS OF THE GOV- ERNMENT

##### Acceptable Collateral Security

The Department of the Treasury finds that it is necessary to amend its regulations governing the designation of Depositaries and Financial Agents of the Government at 31 CFR Part 202 (also appearing as Department Circular No. 176, Second Revision) by adding obligations issued by the Asian Development Bank to the list of securities acceptable for pledging as collateral for deposits of public money. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a matter relating to public contracts.

Accordingly, Part 202, Chapter II of Title 31 of the Code of Federal Regulations is amended by revising § 202.6(b) (2) to read:

#### § 202.6 Collateral security.

- (b) Acceptable security. . . .  
(2) Obligations issued or fully guaran-



teed by the International Bank for Reconstruction and Development, the Inter-American Development Bank or the Asian Development Bank: At face value.

(12 U.S.C. 265)

Dated: April 2, 1971.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.  
[FR Doc.71-4887 Filed 4-7-71;8:47 am]

## PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

### Acceptable Collateral Security

The Department of the Treasury finds that it is necessary to amend its regulations governing the designation of Special Depositaries of Public Money at 31 CFR Part 203 (also appearing as Department Circular No. 92, Second Revision) by adding obligations issued by the Asian Development Bank to the list of securities acceptable for pledging as collateral for deposits to a Treasury Tax and Loan Account. The Department also finds, in accord with 5 U.S.C. 553, that notice and public procedure thereon are not necessary since the amendment involves a matter relating to public contracts.

Accordingly, Part 203, Chapter II of Title 31 of the Code of Federal Regulations is amended by revising § 203.8(b) (2) to read:

#### § 203.8 Collateral security.

(b) *Acceptable securities.* \* \* \*

(2) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank or the Asian Development Bank: At face value.

(31 U.S.C. 771)

Dated: April 2, 1971.

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.  
[FR Doc.71-4888 Filed 4-7-71;8:47 am]

## SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT PART 306—GENERAL REGULATIONS WITH RESPECT TO U.S. SECURITIES

### Subpart O—Book-Entry Procedure

Subpart O of the regulations set forth in Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended (31 CFR Part 306), has been revised and is published in its entirety as a supplement as shown below.

The amendments to this subpart published in 35 F.R. 2001, dated December 31, 1970, which included a uniform Federal rule for the creation and perfection of pledges or other security interests in book-entry Treasury securities, permitted the extension of the book-entry procedure to securities held by member banks for the account of their customers.

With the expansion of the book-entry procedure and the increase in the number of accounts, it has been found that it is not operationally feasible for all Federal Reserve Banks to make in their accounts the entries necessary in the execution of the rule. Accordingly, under this supplement, it is extended to permit member banks and other book-entry custodians to make entries on their books with the same effect as if made on the books of the Federal Reserve Bank.

Subpart O, as supplemented in that and other respects, implements the December amendments on the book-entry procedure. In essence, the procedure is a system under which definitive Treasury securities are eliminated, the obligations are recorded on the books of Federal Reserve Banks, and, to the maximum extent feasible, transactions in them are perfected without the actual use of definitive bearer paper. The books will show, among other things, the amount of the securities, the loan title (or series) and maturity date. Transactions in the recorded obligations will be effected by means of entries on the books of the Federal Reserve Banks, the member banks or the book-entry custodians.

Notice and public procedure on this supplement are dispensed with because it is mainly declaratory of the December 1970 amendments, involves public property and contracts, and is urgently needed for the vital functioning of a broad Government securities market which has been threatened by problems arising from increased losses and thefts of Treasury bearer securities.

Dated: April 7, 1971.

[SEAL] JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

### Subpart O—Book-Entry Procedure

Sec.	
306.115	Definition of term.
306.116	Authority of Reserve Banks.
306.117	Scope and effect of book-entry procedure.
306.118	Pledges.
306.119	Limitations on transferors or pledges.
306.120	Withdrawals and transferors.
306.121	Delivery of Treasury securities.
306.122	Registered bonds and notes.
306.123	Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

**AUTHORITY:** The provisions of this Subpart O issued under sec. 8, 50 Stat. 481 as amended, R.S. 3706; secs. 1, 4, 18, 5, 40 Stat. 288 as amended, 290, as amended, 1309, as amended; secs. 19, 20, 48 Stat. 343, as amended; 31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, 754b.

#### § 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the United States and when indicated acting in its individual capacity.

(b) "Treasury security" means a Treasury bond, note, certificate of in-

debtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in engraved or printed form.

(d) "Book-entry Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Treasury securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER \* \* \* on which the obligor will make payment of the security before maturity in accordance with its terms."

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve Bank.

(h) "Book-entry custodian" means a bank, banking institution, financial firm, or similar party, which (1) regularly accepts in the course of its business Treasury securities as a custodial service for customers, (2) maintains accounts in the name of such customers reflecting ownership of or interest in such securities which are deposited in a book-entry account under § 306.117(a) (3) with such customers' consent, and (3) complies with the procedures and conditions for maintaining such accounts prescribed by the Reserve Bank maintaining such book-entry Treasury securities.

#### § 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

#### § 306.117 Scope and effect of book-entry procedure.

(a) A Reserve Bank as Fiscal Agent of the United States may apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and con-



ditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity; notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Treasury securities.

(b) A Reserve Bank as Fiscal Agent of the United States shall apply the book-entry procedure to Treasury securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with a Reserve Bank as Fiscal Agent of the United States.

(c) Any person having an interest in Treasury securities which are deposited with a Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

#### § 306.118 Pledges.

(a) (1) A pledge of book-entry Treasury securities maintained under § 306.117 is effected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the amount of the securities pledged.

(2) In addition, a pledge of transferable book-entry Treasury securities maintained under § 306.117(a)(3), or under any other provision of § 306.117 to the extent and in the manner provided under procedures prescribed by the Re-

serve Bank maintaining the book-entry Treasury securities, may be effected by (i) the making of appropriate entries on the books of a member bank or other book-entry custodian which evidence that such Treasury securities are held by it for the account of the pledgee, and (ii) issuance by such member bank or book-entry custodian of an advice directed to the pledgee reflecting such entries and acknowledging such holding.

(b) The making of such entries under paragraph (a) of this section, and issuance of any required advice as provided for in paragraph (a)(2) of this section, (i) shall have the effect of a delivery of definitive Treasury securities in bearer form in the amount of the obligations pledged; (ii) shall have the effect of a taking of delivery by the pledgee; (iii) shall effect a perfected security interest therein in favor of the pledgee; and (iv) shall constitute such pledgee a holder.

(c) No filing or recording with a public recording office or officer shall be necessary to perfect any pledge in any book-entry Treasury securities under this subpart.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them to its depositor; and the pledge interest of the pledgee in such book-entry Treasury securities prior to conversion to definitive securities shall continue without interruption to be fully effective with respect to such definitive securities.

#### § 306.119 Limitations on transfers or pledges.

Except as provided in this subpart, book-entry Treasury securities may not be assigned, transferred, hypothecated, pledged as collateral, or used as security for the performance of an obligation.

#### § 306.120 Withdrawals and transfers.

(a) (1) Withdrawals and transfers of book-entry Treasury securities may be made upon a depositor of a Reserve Bank requesting (i) delivery of like definitive Treasury securities to itself or on its order to a transferee, or (ii) transfer to any transferee eligible to maintain a book-entry account in its name with a Reserve Bank under § 306.117.

(2) In addition, a transfer of transferable book-entry Treasury securities maintained under § 306.117(a)(3) may be effected, by (i) the making of appropriate entries on the books of a member bank or other book-entry custodian which evidence that such Treasury securities are held by it for account of the transferee, and (ii) issuance by such member bank or book-entry custodian of an advice directed to the transferee reflecting such entries and acknowledging such holding.

(b) The transfer of a book-entry Treasury security as provided in this section shall have the same effect as a delivery to the transferee of definitive Treasury securities in bearer form. The transfer of book-entry Treasury securities within a Reserve Bank will be made in accordance with procedures estab-

lished by the latter not inconsistent with this subpart. The transfer of book-entry Treasury securities between Reserve Banks may be made through a telegraphic transfer procedure.

(c) All requests for withdrawal or for transfer must be made prior to the maturity or date of call of the securities. Treasury bonds and notes which are actually to be delivered upon withdrawal or transfer may be issued either in registered or in bearer form, except that EA and EO series of Treasury notes will be issued in bearer form only.

#### § 306.121 Delivery of Treasury securities.

A Reserve Bank shall be fully discharged of its obligations under this subpart by the delivery of Treasury securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other book-entry custodian may receive Treasury securities in definitive form only by making an appropriate demand to such member bank or book-entry custodian.

#### § 306.122 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve Bank (in either its individual capacity or as Fiscal Agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve Bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of the regulations in this part, so far as applicable, shall be to "Federal Reserve Bank of \_\_\_\_\_, as Fiscal Agent of the United States, for conversion to book-entry Treasury securities."

#### § 306.123 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[FR Doc. 71-5002 Filed 4-7-71; 9:40 am]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department PART 144—POSTAGE METERS AND METER STAMPS

#### Manufacture and Distribution

Regulations in Part 144 are amended to include regulations formerly codified



in § 143.8 of Title 39, Code of Federal Regulations (as revised January 1, 1970). These regulations were inadvertently omitted from the recent revision of Chapter 1 of the Postal Manual (now Postal Service Manual) and the counter-part revision of Subchapter A of Title 39 (35 F.R. 19399). The regulations set out below are the same in substance as the regulations contained in former § 143.8. Changes in departmental and bureau designations have been made.

Since these regulations remain substantially the same as indicated, rule-making procedures and delayed effective date are not necessary. Accordingly, this document is effective upon publication in the FEDERAL REGISTER (4-8-71).

In Part 144, § 144.9 is added, reading as follows:

**§ 144.9 Manufacture and distribution of postage meters.**

(a) *Authorization to manufacture and lease*—(1) *Qualification*. Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 144.1(c) must qualify as follows:

(i) Satisfy the U.S. Postal Service as its integrity and financial responsibility.

(ii) Obtain approval of at least one model postage meter incorporating all mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Finance and Administration Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Finance and Administration Department.

(iv) Have, or establish, and maintain adequate facilities and control, distribution, and maintenance of postage meters and their replacement when necessary.

(2) *Application*. Any person or concern seeking authorization to manufacture postage meters may make application to the Finance and Administration Department in person or in writing. On qualification and approval, the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Postal Service Manual.

(3) *Suspension*. The U.S. Postal Service may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine whether his authorization should be revoked and the Postal Service will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation*. Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of this Part 144.

(b) *Specifications*. Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the post office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination); or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multidenomination) or the currency value of the impressions made (omnidenomination). The printing die or dies, counters, and counter-actuating mechanism must be inseparable in the unit brought to the post office for setting.

(3) In each postage meter, there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the post office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be enclosed in a substantial housing. The descending register must be accessible to the post office by means of a door equipped with a suitable lock and with provision for a post office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism, except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Finance and Administration Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be

either included in an overall design with the denomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the U.S. Postal Service on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Non-profit Org." and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the U.S. Postal Service amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model*. Each model meter proposed for manufacture must be approved by the Finance and Administration Department after being tested by the National Bureau of Standards, or the U.S. Postal Service Laboratory, at the expense of the manufacturer. A preliminary working model which meets the specifications in paragraph (b) of this section may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Security examination*. Each model meter proposed for manufacture will be examined to see that it incorporates all the mechanical features and safeguards required by paragraph (b) of this section and that it amply protects the U.S. Postal Service against loss of revenue.

(3) *Endurance test*. Each model of meter proposed for manufacture must pass without error or breakdown the following described printing cycle endurance test which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers:

(i) For meters that operate at 100 or more printing cycles per minute—4 million cycles—For meters that operate at less than 100 printing cycles per



minute (and cannot be used interchangeably on power base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(ii) For multi- and omni-denomination meters, postage value selection elements shall be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(iii) Balance register lockout operation shall be performed at the start of, at intervals during, and at the end of the printing cycle test.

(4) *Approval.* The U.S. Postal Service reserves the right before approval to require additional examination and testing as necessary to resolve any areas of doubt regarding the security or endurance characteristics of any meter which is proposed for manufacture.

(5) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Finance and Administration Department, and no changes affecting the basic features or safeguards may be made thereafter without Postal Service approval.

(6) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards, or the U.S. Postal Service for test, at the expense of the manufacturer, as may be requested by the Finance and Administration Department, U.S. Postal Service.

(d) *Safeguards—(1) Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals, the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss of theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed daily.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys

and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the U.S. Postal Service to have them.

(e) *Distribution—(1) Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control, and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Finance and Administration Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the U.S. Postal Service for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply on those meter slogan or ad plates that meet the requirements of the U.S. Postal Service for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters, or the recovery of any lost or stolen meters, immediately to the local postmaster, the local police, and the Regional Director for the region in which the meter is licensed for use.

(vii) Report to the appropriate postal data center of the U.S. Postal Service each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the U.S. Postal Service. These records may be destroyed 3 years after the meter is scrapped.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the U.S. Postal Service, and remove his meter promptly.

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards. Report the loss or theft of any of his meter

setting keys, or the recovery of lost or stolen keys to the Regional Director.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the U.S. Postal Service the mechanical condition or fault which caused the failure. See § 144.3(d).

(xii) Submit such other reports to the U.S. Postal Service as may be required from time to time.

(f) *Maintenance—(1) Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate 6-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, "Daily Record of Meter Register Readings," to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office of setting before they are opened or any internal repairs are undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations in this Part 144, the U.S. Postal Service will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture or who may be interested in manufacturing postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

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

DAVID A. NELSON,  
General Counsel.

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# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 5C—Property Management and Disposal Service, General Services Administration

### PART 5C-1—GENERAL

Chapter 5C is revised to indicate a name change from Defense Materials Service to Property Management and Disposal Service and to delete material that has been developed in other sections of the FPR and GSPR.

Chapter 5C is revised to read as follows:

Sec.  
5C-1.000 Scope of part.

#### Subpart 5C-1.1—Introduction

5C-1.101 Scope of subpart.  
5C-1.102 Establishment of Chapter 5C, General Services Administration Procurement Regulations.  
5C-1.103 Relationship of Chapter 5C to the FPR and Chapter 5, GSPR.  
5C-1.104 Applicability.  
5C-1.105 Exclusions.  
5C-1.106 Method of issuance.  
5C-1.107 Arrangement.  
5C-1.107-1 General plan.  
5C-1.107-2 Numbering.  
5C-1.107-3 Cross-references.  
5C-1.108 Citation.  
5C-1.109 Deviation.

**AUTHORITY:** The provisions of this Part 5C-1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

#### § 5C-1.000 Scope of part.

This part describes the method and procedures by which the Property Management and Disposal Service (PMDS) implements and supplements the Government-wide Federal Procurement Regulations (Chapter 1 of Title 41, Code of Federal Regulations), and the GSA-wide procurement policies and procedures (Chapter 5 of the General Services Administration Procurement Regulations; Chapter 5 of Title 41, Code of Federal Regulations).

#### Subpart 5C-1.1—Introduction

##### § 5C-1.101 Scope of subpart.

This subpart establishes Chapter 5C of the General Services Administration Procurement Regulations (41 CFR 5C); states its relationship to the Federal Procurement Regulations (FPR) and Chapter 5 of the General Services Administration Procurement Regulations (GSPR); and sets forth other introductory information.

##### § 5C-1.102 Establishment of Chapter 5C, General Services Administration Procurement Regulations.

This Chapter 5C of the GSPR is prescribed by the Commissioner, Property Management and Disposal Service, and is established to provide all PMDS activities with additional uniform operating policies and procedures applicable to the procurement of personal property and nonpersonal services.

##### § 5C-1.103 Relationship of Chapter 5C to the FPR and Chapter 5, GSPR.

(a) Chapter 5C implements and supplements the FPR and Chapter 5, GSPR. Implementing material is that which expands upon related FPR or Chapter 5 material. Supplementing material is that for which there is no counterpart in the FPR or Chapter 5.

(b) Material published in the FPR or Chapter 5 becomes effective throughout PMDS upon the effective date of the particular FPR or Chapter 5 material. Such material will not be repeated, paraphrased, or restated in Chapter 5C. Therefore, all three must be consulted to obtain comprehensive coverage of PMDS-wide procurement operating policies and procedures.

(c) Material in Chapter 5C implements and supplements but does not supersede the FPR or Chapter 5, unless a deviation has been authorized and the deviation is explicitly referenced. In cases of conflict or when Chapter 5C contains no related material implementing the FPR or Chapter 5, the FPR or Chapter 5 will govern.

##### § 5C-1.104 Applicability.

Chapter 5C applies to all purchases and contracts made by PMDS for the procurement of personal property and nonpersonal services.

##### § 5C-1.105 Exclusions.

(a) Certain PMDS procurement policies and procedures within the scope of this chapter may nevertheless be excluded from it when there is justification. These exclusions include the following categories:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than 6 months.

(3) Policies or procedures which are effective on an experimental basis for a reasonable period.

(4) Policies or procedures pertaining to other functions of PMDS as well as to procurement functions where the issuance should be made available simultaneously to all PMDS employees concerned.

(5) Where speed of issuance is essential and numerous changes are required in Chapter 5C, which changes cannot be made promptly.

(b) Procurement policies and procedures issued in other than the FPR System format under paragraphs (a) (4) and (5) of this section will be codified into Chapter 5C at the earliest practicable date, but in any event not later than 6 months from date of issuance.

##### § 5C-1.106 Method of issuance.

(a) All Chapter 5C material deemed necessary to enable business concerns, and others interested, to understand PMDS procurement policies and procedures will be published in the FEDERAL REGISTER. Other related material also may be published in the FEDERAL REGISTER when its inclusion will provide a logical, comprehensive statement of

PMDS procurement policies and procedures.

(b) GSPR Chapter 5C material published in the FEDERAL REGISTER will be published in cumulative form in Chapter 5C of Title 41 of the Code of Federal Regulations (41 CFR Ch. 5C). The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

##### § 5C-1.107 Arrangement.

###### § 5C-1.107-1 General plan.

Chapter 5C is divided into parts, subparts, sections, subsections, and further subdivisions as required.

###### § 5C-1.107-2 Numbering.

(a) Generally, the numbering system used in Chapter 5C conforms to that of the FPR. (See § 1-1.007-2 of this title.) Thus, a particular procurement policy or procedure is identified by the same number in both the FPR, Chapter 5, and Chapter 5C, except that the first digit of the number is either 1, 5, or 5C.

(b) Where Chapter 5C implements a part, subpart, section, or subsection of the FPR or Chapter 5, the implementing part, subpart, section, or subsection of Chapter 5C will be numbered (and captioned) to correspond to the FPR or the Chapter 5 part, subpart, section, or subsection.

(c) Where Chapter 5C supplements the FPR or Chapter 5 and thus deals with subject matter not contained in the FPR or Chapter 5, the numbers in the group 70 through 89 will be assigned to the respective supplementing parts, subparts, sections, or subsections.

(d) Where the subject matter contained in a part, subpart, section, or subsection of the FPR or Chapter 5 requires no implementation, Chapter 5C will contain no corresponding part, subpart, section, or subsection number. Thus, there may be gaps in the Chapter 5C series of part, subpart, section, or subsection numbers. In such instances, reference must be made to the FPR and Chapter 5 for policy and procedure applicable throughout PMDS.

###### § 5C-1.107-3 Cross-references.

(a) Within Chapter 5C, cross-references to the FPR and Chapter 5 will be made in the same manner as used within the FPR. Illustrations of cross-references to Chapter 5 are:

- (1) Part 5-3.
- (2) Subpart 5-3.1.
- (3) Section 5-3.413-5.

(b) Within Chapter 5C, cross-references to parts, subparts, and sections will be made in a manner generally similar to that used in making cross-references to the FPR. For example, this paragraph would be referenced as "§ 5C-1.107-3(b)."

###### § 5C-1.108 Citation.

(a) Citation in formal documents, such as legal briefs, shall give the number of the part, subpart, or section of



Chapter 5C, following the words "General Services Administration Procurement Regulations" and shall include an appropriate reference to "41 CFR —" where the material has been published in the FEDERAL REGISTER.

(b) For brevity, any section of Chapter 5C may be informally identified as "GSPR," followed by the section number. For example, this paragraph could be identified in a letter as "GSPR 5C-1.108(b)."

#### § 5C-1.109 Deviation.

(a) The term "deviation," as used in this Chapter 5C, is defined in the same manner as described in § 1-1.009-1 of this title.

(b) Deviation from the FPR and Chapter 5 will be processed in accordance with § 5-1.109(b) of this title. To maintain uniformity to the greatest extent feasible, deviation by PMDS activities from this Chapter 5C will be kept to a minimum and controlled as follows:

(1) Deviation will be made only after prior approval by the Commissioner, PMDS.

(2) Requests for authority to deviate from Chapter 5C shall be submitted to the Commissioner, PMDS, supported by statements adequate to disclose fully the nature of the deviation and the reasons for special action.

(3) Deviations authorized under subparagraph (1) of this paragraph will expire, unless extended, 12 months after the date of approval, or unless sooner rescinded, without prejudice to any action taken thereunder.

(c) Except as otherwise authorized, when a deviation from a Chapter 5C contract form provision is authorized, physical change may not be made in the printed form, but shall be made by appropriate provision in the schedule specification, or continuation sheet, as appropriate.

*Effective date.* This amendment is effective upon publication in the FEDERAL REGISTER (4-8-71).

Dated: March 26, 1971.

WALTER C. MORELAND,  
Acting Commissioner, Property  
Management and Disposal Service.

[FR Doc.71-4876 Filed 4-7-71;8:46 am]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5036]

[Idaho 2619]

#### IDAHO

#### Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1964), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the proposed Grindstone Butte Dam and Reservoir, Bruneau Division, Southwest Idaho Water Development Project:

#### BOISE MERIDIAN

T. 7 S., R. 10 E.,

Sec. 25, SE¼.

T. 8 S., R. 10 E.,

Sec. 1, lots 1 to 4, inclusive, S½N½.

T. 7 S., R. 11 E.,

Sec. 30, lots 3 and 4, E½SW¼, SE¼;  
Secs. 31 and 32.

T. 8 S., R. 11 E.,

Sec. 4, lots 3 and 4, S½NW¼, SW¼;

Secs. 5 and 6;

Sec. 7, lots 1 and 2, E½NW¼, NE¼;

Secs. 8 and 9;

Sec. 17, NE¼;

Sec. 21, N½.

The areas described aggregate 5,656.29 acres in Owyhee County.

2. The use and administration of the lands affected by this order will become subject to the provisions of the Reclamation Act of June 17, 1902, supra, including use of the lands under lease, license, or permit, at such time as the Grindstone Butte Dam and Reservoir, Bruneau Division, Southwest Idaho Water Development Project is authorized by Congress.

3. Pending authorization of the project, this withdrawal does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other

than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purpose for which the lands are withdrawn.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

APRIL 1, 1971.

[FR Doc.71-4904 Filed 4-7-71;8:49 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

#### Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-8-71).

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

#### WISCONSIN

#### HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis. 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, Minn. 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 15, 1971 through September 30, 1971, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during 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.

ROBERT G. PERSONIUS,  
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 31, 1971.

[FR Doc.71-4878 Filed 4-7-71;8:46 am]



# Proposed Rule Making

## DEPARTMENT OF JUSTICE

Immigration and Naturalization  
Service

[ 8 CFR Part 214 ]

### FIANCEES AND FIANCES OF U.S. CITIZENS

#### Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rule pertaining to fiances and fiances of U.S. citizens. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

Paragraph (k) *Fiances and fiances of U.S. citizens of § 214.2 Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence between the existing second and third sentences: "A petition shall not be approved unless the petitioner satisfactorily establishes that he has personally met and seen the beneficiary prior to filing the petition."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 5, 1971.

RAYMOND F. FARRELL,  
Commissioner of

Immigration and Naturalization.

[FR Doc. 71-4905 Filed 4-7-71; 8:49 am]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 51 ]

### TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

#### Proposed Standards for Grades<sup>1</sup>

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Table Grapes (European or Vinifera type) (7 CFR 51.880-51.912). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as

amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than May 10, 1971, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

*Statement of considerations leading to the proposed revision of the grade standards.* The last major revision of the U.S. Standards for Table Grapes was made in 1952. A revision in 1960 made changes in the color requirements for the Tokay variety. There have been three amendments to the standards since then. In May 1961, the soluble solids requirement for mature Cardinal, Exotic, and Robin varieties grown in Arizona was lowered. In August 1961, an increased tolerance was provided for undersize bunches when packed in consumer size packages. In June 1964, requirements for mature Cardinal grapes grown in the desert area of California were lowered to conform to the requirement for Cardinals grown in Arizona.

During recent years there has been sporadic interest on the part of growers and shippers in both California and Arizona in making additional changes in the grade standards. Proposals were advanced by industry representatives in both States to change minimum soluble solids levels in the maturity requirements for specific varieties. However, it was not possible, as late as 1969, to resolve differences of opinion between representatives of various producing areas as to what changes should be made in the maturity requirements. An informal proposal advanced by USDA also was rejected.

Several factors contributed to the difficulty of arriving at equitable maturity requirements for table grapes. Because of different climatic and soil conditions, it has been necessary to establish slightly lower soluble solids requirements for grapes produced in the desert area of southern California than for the same varieties produced in Kern County and farther north. With the increasing importance of Arizona plantings it became evident that lower soluble solids requirements were appropriate for Arizona grapes also. The use of gibberellin on seedless varieties not only increased size of berries but resulted, in many cases, in grapes having lower soluble solids content

at optimum harvest time. State requirements were adjusted to meet the changing situation. Minimum soluble solids requirements were adjusted and alternate requirements based on combined soluble solids and sugar/acid ratios, or sugar/acid ratios alone were provided. Consequently, except where restricted by a State Marketing Order, many shipments of grapes which meet State maturity requirements, but which are not mature according to the U.S. grade standards, are now moving to domestic markets. Such grapes apparently are readily marketed in the United States and apparently meet consumer acceptance. They cannot enter Canada because under Canadian import requirements they must grade at least U.S. No. 1.

For many years the minimum maturity requirements for the several varieties of table grapes in the U.S. standards corresponded with the minimum requirements for the California Agricultural Code. The differences which exist as a result of changes in the Code in recent years have caused misunderstanding within the grape industry and between industry members and the Federal and Federal-State Inspection Services. This problem is compounded by the fact that for certain varieties Arizona State requirements do not correspond with either U.S. or California requirements.

USDA has repeatedly recommended that California and Arizona grape growers and shippers agree on desirable changes in the U.S. grade standards and request a revision of the standards. Early in 1970, the California Grape and Tree Fruit League, whose membership includes growers and shippers in both California and Arizona, asked Inspection Service supervisors to assist them in drafting a proposal for a comprehensive revision of the grade standards. After several meetings between League representatives and Federal and Federal-State personnel, and after testing of proposed requirements in Arizona and California during the 1970 season, a proposed revision of the standards was submitted to USDA in February 1971. The intent of the industry committee was to develop standards that would include about 20 percent of the table grape production in a normal year in the U.S. Extra Fancy grade; about 60 percent in the U.S. Fancy grade and 20 percent in the U.S. No. 1. The industry draft, with certain changes which USDA considers desirable, is being proposed for review and comment by all who are interested in the production and marketing of table grapes.

The industry draft, submitted by the California Grape and Tree Fruit League, proposed that grapes be required to meet the maturity requirements of the Agricultural Code of the State of California. It is desirable for Federal maturity requirements and California maturity requirements to be in agreement. The

<sup>1</sup>Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.



maturity requirements in the proposed revised standards require grapes to meet the maturity requirements established by the State in which the grapes are produced. Comparable requirements are provided for imports and grapes produced in "States other than California and Arizona".

The industry proposed that bunches have at least 75 percent of the berries on each bunch of the specified minimum diameter for the variety. In the present standards the U.S. Fancy and U.S. Extra No. 1 grades require 90 percent of the berries on each bunch to be of the specified minimum diameter. The 75 percent figure recommended by industry is proposed for the new U.S. No. 1 grade. Also for Thompson Seedless, Perlette, Delight, and Beauty Seedless in the new U.S. Fancy grade (corresponding to the present U.S. Extra No. 1 grade). Use of gibberellin is said to result in irregular sizing of most of these varieties under certain circumstances. However, in accordance with industry's desire to pack uniformly attractive packages of grapes, USDA recommends retaining the 90 percent in the new U.S. Extra Fancy grade and for varieties other than the seedless varieties listed above in U.S. Fancy grade. The tolerances for bunches failing to meet berry size requirements would be increased from 5 percent to 10 percent in the proposed standards. However, the industry recommendation for an additional tolerance of 10 percent of the containers failing to meet berry size requirements is not proposed. Such a tolerance could result in buyers receiving containers with high percentages of off-size berries and being dissatisfied, thus defeating the industry's promotion efforts.

Proposed changes in maturity would provide uniform minimum maturity requirements for all grades roughly comparable to present requirements for "mature", applying to the U.S. No. 1 and U.S. Extra No. grades. The "well matured" requirement for the present U.S. Fancy grade has been found too restrictive for some varieties.

In addition to proposed changes in maturity requirements and minimum berry size requirements, several other changes are proposed. Tolerances would be increased en route or at destination and corresponding decreases made in tolerances at shipping point. Also tolerances for bunches failing to meet the requirement for minimum berry size would be increased. Color requirements would be reworded and for red varieties tightened slightly. The unclassified section would be deleted; the format of the standards would be changed and many other changes in arrangement and wording would be made in the interest of clarity and readability.

The proposed standards provide that when approved packing materials are

used, grapes meeting the U.S. Extra Fancy grade, and grapes meeting the U.S. Fancy grade with certain additional requirements, may be certified as "Export" in connection with the grade. Because of the grape industry's expressed interest in improving the quality level of grapes exported, no provision is proposed

for certifying U.S. No. 1 grapes for "Export". The revised standards for table grapes would supersede the U.S. Standards for Sawdust Pack Grapes.

Following are comparisons of some of the more important proposed changes and corresponding present requirements and tolerances:

Present	NOMENCLATURE	Proposed
U.S. Fancy Table..... U.S. Extra No. 1 Table..... U.S. No. 1 Table.....		U.S. Extra Fancy Table. U.S. Fancy Table. U.S. No. 1 Table.
	MATURITY	
<i>U.S. Fancy</i> —Well matured. Minimum soluble solids (determined by hydrometer). 17 percent except:		<i>All grades</i> —Mature. Meets maturity requirements established by State in which grapes are produced, in effect on effective date of revised standards.
Tokay, 18 percent; Thompson Seedless, 19 percent; Malaga, Muscat, 20 percent.		
<i>U.S. Extra No. 1 and U.S. No. 1</i> —Mature. Minimum soluble solids (determined by hydrometer) 17 percent, except:		<i>Arizona requires:</i> Minimum soluble solids (determined by hydrometer):
Emperor..... Cardinal..... Ribier..... Other similar varieties.....	16 percent.	Thompson Seedless..... 16 percent. Cardinal..... Robin..... Perlette..... Exotic..... 14 percent.
Muscat..... Cardinal, Exotic Robin grown in Arizona; and, Cardinal grown in California south and east of San Geronio Pass.	18 percent. 15 percent.	OR For all varieties, sugar/acid ratio of at least 18:1.
		<i>California requires:</i> Minimum soluble solids (determined by refractometer) 16.5 percent, with some exceptions including:
		Thompson Seedless grown north and west of San Geronio Pass.
		Beauty Seedless grown south and east of San Geronio Pass.
		Cardinal Robin grown north and west of San Geronio Pass.
		Emperor..... Ribier..... Delight..... Perlette.....
		Ladyfinger, Olivette Blanche, Other similar varieties.
		Cardinal, Robin grown south and east of San Geronio Pass.
		Exotic..... 14 percent.
		OR
		Thompson Seedless and Perlette having at least 15 percent and 14 percent soluble solids, respectively, and other varieties without regard to percentage of soluble solids, when having sugar/acid ratio of at least 20:1.
		Grapes produced outside the United States or in a State other than California or Arizona shall have the following minimum soluble solids (determined by refractometer):
		Muscat..... 17.5 percent. Cardinal..... Emperor.....
		Perlette..... Ribier..... Rish Baba.....
		Olivette.....
		Other varieties..... 16.5 percent.



MINIMUM SIZE

**Berries:** Each bunch must have the minimum percentage of berries of specified diameter as indicated for grade and variety:

*U.S. Fancy*, 90 percent 10/16 inch except:  
*Ribier*.....12/16 inch.  
*Cardinal*.....9/16 inch.  
*Almeria*.....7/16 inch.  
*Thompson Seedless*.....  
*Black Monukka*.....

*U.S. Extra No. 1*, 90 percent 10/16 inch except:  
*Ribier*.....12/16 inch.  
*Cardinal*.....9/16 inch.  
*Almeria*.....7/16 inch.  
*Thompson Seedless*.....  
*Black Monukka*.....

*U.S. No. 1*, No requirement.

No change proposed in minimum size of bunches

Color

Each bunch must have the minimum percentage of berries of specified minimum color as indicated for grade and variety:

*Red Varieties*

*U.S. Fancy*, Well colored, 75 percent showing 60 percent of surface with good characteristic color.  
*U.S. Extra No. 1*, Reasonably well colored, 60 percent showing 60 percent of surface with required color.

*U.S. No. 1*, Fairly well colored, 60 percent showing 60 percent of surface with characteristic color.

*Red Varieties*

*U.S. Extra Fancy*, Well colored, 75 percent showing 2/3 of surface with good characteristic color.  
*U.S. Fancy*, Reasonably well colored, 66 2/3 percent showing 2/3 of surface with good characteristic color except *Tokay*, 75 percent showing 2/3 of surface with characteristic color.  
*U.S. No. 1*, Fairly well colored, 60 percent showing 2/3 of surface with characteristic color.

*Black Varieties*

*U.S. Fancy*, Well colored, 95 percent showing characteristic color.  
*U.S. Extra No. 1*, Fairly well colored, 85 percent showing characteristic color except:  
*Ribier*.....75 percent.  
*Rose of Peru*.....  
*Black Hamburg*.....  
*Black Monukka*.....

*U.S. No. 1*, Fairly well colored. Same as for *U.S. Extra No. 1*.

*White Varieties*

No requirements.

TOLERANCES

The tolerances proposed would be identical for all three grades except for an additional tolerance of 10 percent for bunches failing to meet stem color requirements in the *U.S. Extra Fancy* grade. Following is a comparison of the tolerances for the present and proposed *U.S. No. 1* grades.

Factor	Present shipping point and shipping en route or at destination	Proposed shipping point and shipping en route or at destination
For bunches failing to meet color requirements.....	Percent 10	Percent 10
For bunches failing to meet requirements for minimum diameter of berries.....	Percent 10	Percent 10
For undersize bunches and for bunches and berries failing to meet the remaining requirements of the grade.....	Percent 10	Percent 8
Including: (a) For shattered.....	5 (included in total)	5 (included in total)
(b) For permanent defects.....	2 (included in total)	2 (included in total)
(c) For serious damage.....	2 (included in total)	2 (included in total)
(d) For serious damage by permanent defects.....	2 (included in total)	2 (included in total)
And, including in (c): For decay.....	1/2 of 1	1/2 of 1

The proposed standards, as revised, are as follows:

Sec.	GRADES	DEFINITIONS
51.880	<i>U.S. Extra Fancy Table</i> .	51.888 Well developed grapes.
51.881	<i>U.S. Extra Fancy Export</i> .	51.889 One variety.
51.882	<i>U.S. Fancy Table</i> .	51.890 Uniform in appearance.
51.883	<i>U.S. Fancy Export</i> .	51.891 Color terms.
51.884	<i>U.S. No. 1 Table</i> .	51.892 Firm.
	TOLERANCES	51.893 Weak.
51.885	Tolerances.	51.894 Shriveled at capstem.
	APPLICATION OF TOLERANCES	51.895 Shattered.
51.886	Application of Tolerances.	51.896 Wet.
	MATURITY REQUIREMENTS	51.897 Decay.
51.887	Maturity requirements.	51.898 Waterberry.
		51.899 Sunburn.
		51.900 Damage.
		51.901 Fairly well filled.
		51.902 Excessively tight.
		51.903 Shot berries.
		51.904 Dried berries.



- 51.905 Well developed and strong.
- 51.906 Diameter.
- 51.907 Serious damage.
- 51.908 Materially shriveled at capstem.
- 51.909 Straggly.
- 51.910 Container.
- 51.911 Export.
- 51.912 Metric conversion table.

**AUTHORITY:** The provisions of this subpart issued under sections 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

#### GRADES

##### § 51.880 U.S. Extra Fancy Table.

"U.S. Extra Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are uniform in appearance, well colored, and which meet the following requirements:

- (a) Basic requirements for berries:
  - (1) Mature;
  - (2) Firm;
  - (3) Firmly attached to capstems;
  - (4) Not weak;
  - (5) Not shriveled at capstems;
  - (6) Not shattered;
  - (7) Not split or crushed;
  - (8) Not wet.
- (b) Basic requirements for bunches:
  - (1) Fairly well filled;
  - (2) Not excessively tight for the variety.

(c) Basic requirements for stems:
 

- (1) Well developed and strong;
- (2) Not dry and brittle;
- (3) At least yellowish-green in color except for Cardinal, Robin, Exotic, and Beauty Seedless varieties.

- (d) Berries free from:
  - (1) Decay;
  - (2) Waterberry;
  - (3) Sunburn;
  - (4) Almeria Spot.
- (e) Stems free from:
  - (1) Mold;
  - (2) Decay.
- (f) Berries not damaged by:
  - (1) Any other cause.
- (g) Bunches not damaged by:
  - (1) Shot berries;
  - (2) Dried berries;
  - (3) Other defective berries;
  - (4) Trimming away of defective berries;
  - (5) Any other cause.
- (h) Stems not damaged by:
  - (1) Freezing;
  - (2) Any other cause.
- (i) Size:
  - (1) For berries: Exclusive of shot berries and dried berries, not less than 90 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
    - (i) Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties thirteen-sixteenths of an inch.
    - (ii) Other varieties eleven-sixteenths of an inch.
  - (2) For bunches:
    - (i) Not less than one-half pound.
    - (j) For tolerances see § 51.885.

- (i) For berries: Exclusive of shot berries and dried berries, not less than 90 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
  - (i) Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties thirteen-sixteenths of an inch.
  - (ii) Other varieties eleven-sixteenths of an inch.
- (2) For bunches:
  - (i) Not less than one-half pound.
  - (j) For tolerances see § 51.885.

##### § 51.881 U.S. Extra Fancy Export.

"U.S. Extra Fancy Export" consists of grapes which meet the requirements for

U.S. Extra Fancy Table and, in addition, meet the packaging requirements set forth in § 51.911.

##### § 51.882 U.S. Fancy Table.

"U.S. Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least reasonably well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

- (a) Basic requirements for berries:
  - (1) Mature;
  - (2) Firm;
  - (3) Firmly attached to capstems;
  - (4) Not weak;
  - (5) Not shriveled at capstems;
  - (6) Not shattered;
  - (7) Not split or crushed;
  - (8) Not wet.
- (b) Basic requirements for bunches:
  - (1) Fairly well filled;
  - (2) Not excessively tight for the variety.

- (c) Basic requirements for stems:
  - (1) Well developed and strong;
  - (2) Not dry and brittle.
- (d) Berries free from:
  - (1) Decay;
  - (2) Waterberry;
  - (3) Sunburn;
  - (4) Almeria Spot.
- (e) Stems free from:
  - (1) Mold;
  - (2) Decay.
- (f) Berries not damaged by:
  - (1) Any other cause.
- (g) Bunches not damaged by:
  - (1) Shot berries;
  - (2) Dried berries;
  - (3) Other defective berries;
  - (4) Trimming away of defective berries;
  - (5) Any other cause.
- (h) Stems not damaged by:
  - (1) Freezing;
  - (2) Any other cause.
- (i) Size:
  - (1) For berries: Exclusive of shot berries and dried berries, the following percentages, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
    - (i) For Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties, 90 percent shall be at least twelve-sixteenths of an inch;
    - (ii) For Thompson Seedless, Perlette, Delight, and Beauty Seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,
    - (iii) For other varieties 90 percent shall be at least ten-sixteenths of an inch.
  - (2) For bunches:
    - (i) Not less than one-fourth pound.
    - (j) For tolerances see § 51.885.

- (i) For berries: Exclusive of shot berries and dried berries, the following percentages, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
  - (i) For Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties, 90 percent shall be at least twelve-sixteenths of an inch;
  - (ii) For Thompson Seedless, Perlette, Delight, and Beauty Seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,
  - (iii) For other varieties 90 percent shall be at least ten-sixteenths of an inch.
- (2) For bunches:
  - (i) Not less than one-fourth pound.
  - (j) For tolerances see § 51.885.

##### § 51.883 U.S. Fancy Export.

"U.S. Fancy Export" consists of grapes which meet the requirements for U.S. Fancy Table, except that bunches shall weigh not less than one-half pound, and

in addition are uniform in appearance and meet the packaging requirements set forth in § 51.911. (See § 51.800.)

##### § 51.884 U.S. No. 1 Table.

"U.S. No. 1 Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least fairly well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

- (a) Basic requirements for berries:
  - (1) Mature;
  - (2) Firm;
  - (3) Firmly attached to capstems;
  - (4) Not weak;
  - (5) Not materially shriveled at capstems;
  - (6) Not shattered;
  - (7) Not split or crushed;
  - (8) Not wet.
- (b) Basic requirements for bunches:
  - (1) Not straggly.
- (c) Basic requirements for stems:
  - (1) Not weak, or dry and brittle.
- (d) Berries free from:
  - (1) Decay;
  - (2) Waterberry;
  - (3) Sunburn.
- (e) Stems free from:
  - (1) Mold;
  - (2) Decay.
- (f) Berries not damaged by:
  - (1) Any other cause.
- (g) Bunches not damaged by:
  - (1) Shot berries;
  - (2) Dried berries;
  - (3) Other defective berries;
  - (4) Trimming away of defective berries;
  - (5) Any other cause.
- (h) Stems not damaged by:
  - (1) Freezing;
  - (2) Any other cause.
- (i) Size:
  - (1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
    - (i) Thompson Seedless, Perlette, Delight, and Beauty Seedless nine-sixteenths of an inch.
    - (ii) Other varieties ten-sixteenths of an inch.
  - (2) For bunches:
    - (i) Not less than one-fourth pound.
    - (j) For tolerances see § 51.885.

- (c) Basic requirements for stems:
  - (1) Not weak, or dry and brittle.
- (d) Berries free from:
  - (1) Decay;
  - (2) Waterberry;
  - (3) Sunburn.
- (e) Stems free from:
  - (1) Mold;
  - (2) Decay.
- (f) Berries not damaged by:
  - (1) Any other cause.
- (g) Bunches not damaged by:
  - (1) Shot berries;
  - (2) Dried berries;
  - (3) Other defective berries;
  - (4) Trimming away of defective berries;
  - (5) Any other cause.
- (h) Stems not damaged by:
  - (1) Freezing;
  - (2) Any other cause.
- (i) Size:
  - (1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
    - (i) Thompson Seedless, Perlette, Delight, and Beauty Seedless nine-sixteenths of an inch.
    - (ii) Other varieties ten-sixteenths of an inch.
  - (2) For bunches:
    - (i) Not less than one-fourth pound.
    - (j) For tolerances see § 51.885.

- (i) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
  - (i) Thompson Seedless, Perlette, Delight, and Beauty Seedless nine-sixteenths of an inch.
  - (ii) Other varieties ten-sixteenths of an inch.
- (2) For bunches:
  - (i) Not less than one-fourth pound.
  - (j) For tolerances see § 51.885.

##### TOLERANCES

##### § 51.885 Tolerances.

(a) No tolerances are provided in these standards for grapes which fail to meet the applicable maturity requirements other than the allowances specified in § 51.887 or in the sampling and testing procedures of State maturity regulations.

(b) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are provided as set forth in Tables I and II.



from one container tests below the required percentage of soluble solids.

**DEFINITIONS**

**§ 51.383 Well developed grapes.** "Well developed grapes" means grapes which are not abnormally small for the variety.

**§ 51.389 One variety.** "One variety" means that the grapes show similar varietal characteristics.

**§ 51.390 Uniform in appearance.** "Uniform in appearance" means that not more than one-tenth of the containers in any lot show sufficient variation in color and size of berries to materially detract from the appearance of the contents of the individual container, and that the stems are well developed and strong.

**§ 51.391 Color terms.** The color terms "well colored", "reasonably well colored", and "fairly well colored" are defined in Table IV.

TABLE IV

Color terms	Black varieties	Red varieties	White varieties
Well colored (U.S. extra fancy)	Each bunch shall have not less than 95 percent, by count, of berries showing good characteristic color. <sup>1</sup>	Each bunch shall have not less than 75 percent, by count, of berries showing good characteristic color. <sup>1</sup>	No requirement.
Reasonably well colored (U.S. fancy)	Each bunch shall have not less than 85 percent, by count, of berries showing good characteristic color. <sup>1</sup>	Each bunch shall have not less than 60 percent, by count, of berries showing good characteristic color. <sup>1</sup>	No requirement.
Fairly well colored (U.S. No. 1).	Each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. <sup>2</sup>	Each bunch shall have not less than 60 percent, by count, of berries showing characteristic color. <sup>2</sup>	No requirement.

<sup>1</sup> Good characteristic color for black varieties means purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing purple to black color.

<sup>2</sup> For red varieties good characteristic color means at least two-thirds of the surface of the berry is light red through dark red color; except, for the Tokay variety pink through dark red, and for the Cardinal variety light red through purple shall be permitted.

<sup>3</sup> Characteristic color for black varieties means reddish-purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing reddish-purple to black color.

<sup>4</sup> For red varieties characteristic color means at least two-thirds of the surface of the berry is pink to dark red; except, for the Tokay variety light pink through dark red and for the Cardinal variety light pink through purple color shall be permitted.

**§ 51.392 Firm.** "Firm" means that the berry does not yield more than slightly to moderate pressure and is not flabby or wilted.

**§ 51.393 Weak.** "Weak" means that individual berries are somewhat translucent, watery and soft, may have relatively low sugar content, inferior flavor, or are of poor keeping quality.

**§ 51.394 Shriveled at capstem.** "Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

**§ 51.395 Shattered.** "Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

**§ 51.396 Wet.** "Wet" means that the grapes are wet from moisture from crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

**§ 51.397 Decay.** "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

**§ 51.398 Waterberry.** "Waterberry" means a watery, soft, or flabby condition of the berry. Affected

TABLE I—TOLERANCES AT SHIPPING POINT<sup>1</sup>

Factor	U.S. Extra Fancy table	U.S. Fancy table	U.S. No. 1 table
(A) For bunches failing to meet color requirements.	Percent 10	Percent 10	Percent 10
(B) For bunches failing to meet requirements for minimum diameter of berries.	10	10	10
(C) For bunches failing to meet stem color requirements.	10	10	10
(D) For undersize bunches <sup>2</sup> and for bunches and berries failing to meet the remaining requirements for the grade.	8	8	8
Including in (D):			
(a) For serious damage.	2	2	2
And, including in (a):			
(i) For decay.	1/2 of 1	1/2 of 1	1/2 of 1

TABLE II—TOLERANCES EN ROUTE OR AT DESTINATION

(A) For bunches failing to meet color requirements.	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries.	10	10	10
(C) For bunches failing to meet stem color requirements.	10	10	10
(D) For undersize bunches <sup>2</sup> and for bunches and berries failing to meet the remaining requirements of the grade.	12	12	12
Including in (D):			
(a) For permanent defects.	8	8	8
(b) For serious damage.	4	4	4
And, including in (b):			
(i) For serious damage by permanent defects.	2	2	2
(ii) For decay.	1	1	1

<sup>1</sup> Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

<sup>2</sup> When in packages containing 5 pounds or less, not more than 25 percent of the bunches may weigh less than the minimum weight specified for the grade, in addition to other defects which may be present.

**APPLICATION OF TOLERANCES**

**§ 51.386 Application of tolerances.** The contents of the individual packages in any lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For tolerances of 10 percent or more, individual packages may contain not more than one and one-half times the specified tolerance.

(b) For a tolerance of less than 10 percent, individual packages may contain not more than double the specified tolerance.

**MATURITY REQUIREMENTS**

**§ 51.387 Maturity requirements.** (a) "Mature" means that the grapes in any lot meet the maturity requirements for the variety as set forth in the Agricultural Laws and Regulations of the State in which the grapes are produced, in effect on the date of issuance of these proposed grade standards.

(b) Grapes produced in States other than California or Arizona, or in countries other than the United States, shall meet the minimum maturity requirements set forth in Table III as determined by use of a standard hand refractometer.

(c) The minimum percentage of soluble solids for the lot is determined from the juice of at least 10 percent, by weight, of grapes in the container which appears to be least mature. No lot shall be considered as failing to meet these requirements because the sample of grapes

TABLE III

Variety	Percent of soluble solids
Muscat	17.5
All varieties not listed in this table.	16.5
Cardinal, Emperor, Perlette, Ribier, Olivette Blanche, Rish Baba, Red Malaga	15.5



berries are low in sugar content, have tender skins, and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak".

#### § 51.899 Sunburn.

"Sunburn" means injury to the berry caused by exposure to the sun, including "sulphur burn," usually occurring as a sunken and discolored or dried area on the exposed surface.

#### § 51.900 Damage.

(a) "Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual berry, the appearance of the bunch as a whole, or the marketing quality of the stems. The following shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrips, mildew, rubs, and similar injuries when materially detracting from the appearance of the berry;

(2) Discoloration when any light brown, tan, or darker discoloration of the skin materially detracts from the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(3) Heat when the flesh of the berry is affected;

(4) Almeria Spot when any spot is distinctly sunken or dark in color;

(5) Mildew when active powdery mildew is present;

(6) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(7) Insect injury when penetrating the skin of the berry or when there is noticeable insect infestation on the bunch; when mealybug residue or aphid honeydew are present in noticeable amounts; or when leafhopper residue materially detracts from the appearance of the individual berry or of the bunch.

(b) The following shall be considered as "damage" to stems:

(1) Active powdery mildew or any other disease when present on the stems to the extent that it detracts from the appearance of the bunch or when scars caused by mildew or other disease constrict or weaken any part of the main or lateral stems; and,

(2) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

#### § 51.901 Fairly well filled.

"Fairly well filled" means that the berries are reasonably closely spaced on

main and lateral stems and that the bunch is not very loose or stringy.

#### § 51.902 Excessively tight.

"Excessively tight" means that the berries are so wedged together that the bunch is extremely compact for the variety and resulting distorted berries materially detract from the appearance of the bunch.

#### § 51.903 Shot berries.

"Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds.

#### § 51.904 Dried berries.

"Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

#### § 51.905 Well developed and strong.

"Well developed and strong" means that the main and lateral stems are firm, fibrous, and pliable; not distinctly immature or spindly or threadlike at time of packing.

#### § 51.906 Diameter.

"Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

#### § 51.907 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or affected by heat or freezing. Grapes which show healed cracks at the blossom and shall not be considered as seriously damaged.

#### § 51.908 Materially shriveled at capstem.

"Materially shriveled at capstem" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

#### § 51.909 Straggly.

"Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

#### § 51.910 Container.

"Container" as used in these standards shall, for the purpose of determining maturity of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment; for determining other factors of grade it shall mean the individual package.

#### § 51.911 Export.

When designated as Export, grapes shall be packed with any of the customary protective materials such as cushions, liners, or wraps, or properly packed in sawdust or granulated cork. The so-

called "semi-sawdust packs" which are cushioned and/or covered with sawdust are not approved as protective packaging for export.

#### § 51.912 Metric conversion table.

Inches	Milli-meters (mm)
$\frac{1}{16}$ equals.....	12.7
$\frac{3}{16}$ equals.....	14.3
$\frac{1}{4}$ equals.....	15.9
$\frac{5}{16}$ equals.....	17.5
$\frac{3}{8}$ equals.....	19.1
$\frac{7}{16}$ equals.....	20.6
$\frac{1}{2}$ equals.....	22.2
$\frac{9}{16}$ equals.....	23.8
1 equals.....	25.4
Pounds	Grams
$\frac{1}{4}$ equals.....	113.4
$\frac{1}{2}$ equals.....	226.8
$\frac{3}{4}$ equals.....	340.2
1 equals.....	453.6
2 equals.....	907.2
3 equals.....	1,360.8
4 equals.....	1,814.4
5 equals.....	2,268.0
10 equals.....	4,536.0

Dated: April 2, 1971.

G. R. GRANGE,  
Deputy Administrator,  
Marketing Services.

[FR Doc.71-4793 Filed 4-7-71; 8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-24]

### TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Phoenix, Ariz., transition area.

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



record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A Standard Instrument Departure procedure (SID) is proposed from Luke AFB, Ariz., to Winslow, Ariz., VORTAC via the Luke AFB TACAN 019° T (005° M) and Winslow VORTAC 248° T (234° M) radials. A terminal holding fix is also proposed on the Phoenix 324° T (310° M) radial at the 46-mile DME fix; additional military and civil arrival procedures are under consideration. In order to provide controlled airspace protection, below 14,500 feet MSL, for aircraft executing the above procedures it is proposed to add a portion of controlled airspace, with a floor of 9,500 feet MSL, to the current Phoenix, Ariz., transition area.

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

In § 71.181 (36 F.R. 2140) the description of the Phoenix, Ariz., transition area is amended by adding the following:

That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200-foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00" N., longitude 112°37'00" W., to point of intersection of longitude 113°10'00" W. and the south edge of V-12.

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

Issued in Los Angeles, Calif., on March 30, 1971.

LEE E. WARREN,  
Acting Director, Western Region.

[FR Doc. 71-4917 Filed 4-7-71; 8:50 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-36]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sanford, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation

Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Sanford transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°47'05" N., long. 81°14'36" W.), extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Sanford Airport. A prescribed instrument approach procedure to this airport, utilizing Sanford (Private) Nondirectional Radio Beacon is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on March 29, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc. 71-4918 Filed 4-7-71; 8:50 am]

#### National Highway Traffic Safety Administration

#### [ 49 CFR Part 571 ]

[Docket No. 1-19; Notice 3]

#### HIGH SPEED WARNING AND CONTROL

##### Reopening of Comment Period

A notice of proposed rulemaking to establish a new motor vehicle safety standard entitled, "High Speed Warning and Control," was published December 1, 1970 (35 F.R. 18295). The notice set February 26, 1971, as the closing date for comments. Subsequent to that date, the National Motor Vehicle Safety Advisory Council requested an opportunity to examine the proposal more carefully and to develop specific comments thereon.

In consideration of the directive of section 104(b) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) that the Administrator of the Traffic Safety Administration consult with the Advisory Council concerning motor vehicle safety standards issued under the Act, the comment period on the proposal is hereby reopened. The closing date for the new comment period is April 30, 1971.

This notice is issued under the authority of sections 103 and 119 of the Act (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on March 31, 1971.

RODOLFO A. DIAZ,  
Acting Associate Administrator,  
Motor Vehicle Programs.

[FR Doc. 71-4898 Filed 4-7-71; 8:48 am]

#### CIVIL AERONAUTICS BOARD

#### [ 14 CFR Ch. II ]

[Docket No. 23166; EDR-196A]

#### CREDIT LIMITATIONS FOR CERTIFICATED ROUTE AIR CARRIERS

##### Supplemental Advance Notice of Proposed Rule Making

APRIL 5, 1971.

The Board, by advance notice of proposed rule making EDR-196 dated February 25, 1971, and published at 36 F.R. 4627, gave notice that it had under consideration the question of whether it should propose regulations which would limit the extent credit may be extended for air transportation by all certificated route air carriers and whether it should propose related amendments to Part 241 of the Economic Regulations (14 CFR Part 241). Interested persons were invited to participate by the submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 9, 1971. Subsequent to the issuance of the advance notice, a number of air carriers requested an extension of time for filing comments on the proposed rule. They assert that since the proposal involves several departments within each scheduled air carrier, covering both sales policy and accounting aspects, the extension will provide the airline industry with the opportunity to discuss the proposal at the April 6 meeting of the Airline Transport Association (ATA) and develop an appropriate industry position paper on the subject. In addition, counsel representing the Air Freight Forwarders Association (AFFA) request an extension of time on the grounds that due to the "profound effect" the proposal would have on the credit relationship between air freight forwarders and the airlines, it would be impossible for AFFA to prepare an adequate response to the proposal within the time allotted for comment.

In view of the novelty of the tentative proposal and the impact such proposal would have on the sales and accounting practices of the scheduled air carriers, the undersigned finds that good cause has been shown for additional time for filing comments to the extent herein-after granted. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations,



undersigned hereby extends the time for submitting comments to June 11, 1971. (Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,  
Acting Associate General Counsel,  
Rules and Rates.

[FR Doc. 71-4934 Filed 4-7-71; 8:52 am]

## ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Parts 604, 622]

### WATER QUALITY STANDARDS

#### Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Environmental Protection Agency proposes to amend Chapter V of Title 18, Code of Federal Regulations, by amending Part 604 and by adding a new Part 622, as set forth below. The rules set forth in the new Part 622 will prescribe the procedures by which water quality standards already established pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1160(c)] (the Federal Act) may be revised from time to time. Standards of all the States and jurisdictions within the Federal Act have now been established for substantially all interstate waters and water users in the Nation. As revisions become desirable, the procedures described below, and as prescribed by the Federal Act, shall be employed to effect such changes.

The procedures of the present Part 604 were designed for the establishment of standards and do not appear appropriate in several respects for revisions. Accordingly, it is proposed to amend Part 604 to make clear that that part governs only the establishment of standards.

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Acting Commissioner, Water Quality Office, Washington, D.C. 20242. All relevant material received not later than 45 days after publication of this notice will be considered.

The regulations will become effective immediately upon republication.

The regulations in Chapter V of Title 18, Code of Federal Regulations, are amended as follows:

1. Paragraph (a) of § 604.3 of Part 604 is amended to delete the words "or revision" in the first sentence thereof, and the words "or revise" in the second sentence thereof. As amended, paragraph (a) of § 604.3 will read as follows:

§ 604.3 Initiation of proceedings for conferences; appointment of chairman.

(a) In any case where the Secretary finds that the conditions precedent to his establishment of water quality standards exist, he will give notice of his intention to do so and call a conference in

connection therewith. He may fix the time and place of such conference in his notice of intention to establish water quality standards or he may authorize the Commissioner to do so.

(Sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 1160. Interpret or apply section 10(c), 79 Stat. 908, 33 U.S.C. 1160(c))

2. A new Part 622 is added, immediately following Part 620, to read as follows:

### PART 622—WATER QUALITY STANDARDS

Sec.	
622.1	Applicability.
622.2	Definitions.
622.3	General provisions.
622.4	Initiation of proceedings for revision by the Administrator.
622.5	Initiation of proceedings for revision by a Governor.
622.6	Notice of conference.
622.7	Service of notice.
622.8	Parties.
622.9	Organization and general procedures of the conference.
622.10	Presentation of material.
622.11	Conference procedure.
622.12	Record of proceedings.
622.13	Preparation, publication, and promulgation of water quality standards.

AUTHORITY: The provisions of this Part 622 issued under section 10, 70 Stat. 506, as amended; 33 U.S.C. 1160. Interpret or apply section 10(c), 79 Stat. 908, 33 U.S.C. 1160(c).

#### § 622.1 Applicability.

The provisions of this part apply to revisions of water quality standards under section 10(c) (2) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1160(c) (2)).

#### § 622.2 Definitions.

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.).

(b) "Chairman" means the Chairman designated as stated in § 622.9(a) to conduct the conference pursuant to section 10(c) (2) of the Act.

(c) "Agency" means the Environmental Protection Agency (EPA).

(d) "Administrator" means the Administrator of EPA.

(e) "Commissioner" means Commissioner of the Water Quality Office in EPA.

(f) "Water Quality Standards" mean water quality criteria applicable to specific interstate waters and plans for the implementation and enforcement of such criteria, established pursuant to part 620 of this chapter, and as revised from time to time pursuant to this part.

(g) The definitions of terms contained in subsection 10(j) and section 23 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

#### § 622.3 General provisions.

(a) The Administrator or the Governor of any State affected by water quality standards established pursuant to Part 620 of this chapter may seek to revise

such standards from time to time as provided in this part.

(b) Unless and until a revision to water quality standards has been finally promulgated by the Administrator and has become effective in accordance with this part, every aspect of the water quality standards, including water quality criteria and plans for implementation and enforcement, as in effect prior to such revision shall continue in effect and shall be the enforceable water quality standards for purposes of the Act. Except as provided in this part, water quality standards, including water quality criteria and plans for implementation and enforcement, may not be revised, modified or altered in any respect.

#### § 622.4 Initiation of proceedings for revision by the Administrator.

In any case where the Administrator desires revisions in water quality standards of one or more States previously determined by him to meet the requirements of the Act, including revision of water quality criteria or of plans for implementation and enforcement, he shall call a conference in connection therewith and shall proceed in accordance with §§ 622.6-622.13.

#### § 622.5 Initiation of revision proceedings by a Governor.

(a) If the Governor of the State which established standards pursuant to Part 620 of this chapter desires revisions in such standards, including revision of water quality criteria or of plans for implementation and enforcement, he shall request the Administrator to initiate a conference for such purpose and he shall submit to the Administrator the following:

(1) A description of the location and nature of the interstate waters to be covered by the conference, the standards to be revised, the nature of the revisions desired and the reason therefor.

(2) A copy of the applicable established water quality standards, on which copy matter proposed to be deleted, if any, shall be indicated by hyphens through such matter, and matter proposed to be added, if any, shall be inserted as proposed and shall be underlined.

(3) If a public hearing has been held by the State regarding such revisions prior to the Governor's request to the Administrator, then a summary of such public hearing shall be submitted, accompanied by certification by the Chairman of each hearing as to notice and the conduct of such public hearing. The summary shall include a description of the waters whose standards were the subject of the hearing.

(4) If the proposed revisions have been adopted by the State water pollution control agency prior to the Governor's request to the Administrator, an opinion by the Attorney General of the State that the proposed revisions were duly adopted by the State and, if approved by the Administrator as provided



in this part, will be valid and enforceable revisions to the existing water quality standards of the State.

(b) If the Administrator determines that a full transcript of the hearing, if any, and supporting data are necessary to his review of the proposed revision, the State shall supply such transcript and data.

(c) After receipt of the Governor's request for revision, the Administrator shall proceed in accordance with §§ 622.6-622.13.

(d) If the Governor of any State affected by another State's water quality standards desires revisions in such other State's standards, he may petition the Administrator to effect such revisions, citing the reasons on which such a request is based, and he shall submit with such request the material described in § 622.5(a) (1) and (2). The Administrator shall then proceed in accordance with §§ 622.6-622.13.

#### § 622.6 Notice of conference.

(a) In any case where the Administrator finds that the conditions precedent to the calling of a conference pursuant to this part exist, he shall call a conference. The Administrator or the Commissioner shall issue and serve notice of a conference as herein provided.

(b) The notice of conference shall briefly describe the location and nature of the interstate waters to be covered by the conference, the standards to be revised, the nature of the revisions desired and the reason therefor. The conference shall be limited to the matters set forth in the notice.

(c) The notice shall include the name of the chairman before whom the conference will be conducted and shall state the city where and the day when the conference shall be held. The conference shall be held not earlier than thirty (30) days after the service of the notice.

#### § 622.7 Service of notice.

(a) The notice of the conference shall be served either personally or by publication on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Administrator or Commissioner has reason to believe may be affected by, or have an interest in, the proposed revision.

(b) The notice of the conference may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Administrator or Commissioner, as the case may be. Service by mail is complete upon mailing.

(c) The notice of the conference shall be published at least once at least 30 days in advance of the conference date in the FEDERAL REGISTER and in such local newspapers as the Administrator deems to be necessary.

#### § 622.8 Parties.

(a) The parties to a conference shall include the persons, departments, and agencies specified in § 622.7(a).

(b) The chairman shall have all the rights of a party to the conference.

(c) Upon application and good cause shown, the chairman may permit any additional interested Federal departments and agencies, interstate agencies, States, municipalities, industries or other persons to appear for the purpose of presenting a statement or to be admitted as parties to such extent and upon such terms as the chairman shall determine proper.

(d) Any appearance may be in person or by counsel.

(e) The failure of any party to file an appearance or appear at the conference in response to the notice of conference shall not delay the conference and the chairman shall proceed, hear, receive statements, make determinations and take other appropriate action affecting such party.

#### § 622.9 Organization and general procedures of the conference.

(a) The chairman of the conference shall be the Administrator or the Commissioner or such other employee of the Agency as the Administrator may designate. The chairman shall convene the conference and shall schedule such other meetings as may be necessary, including meetings for the settlement or simplification of issues.

(b) The chairman or his designee shall preside at all conference sessions and meetings called by him.

(c) The conference shall be conducted in an informal but orderly manner. Questions of procedure during a conference shall be determined by the chairman.

(d) The Water Quality Office in the Environmental Protection Agency shall provide such clerical and technical assistance as may be necessary.

(e) The chairman shall maintain and have custody of all official records and documents pertaining to the conference and shall perform such other duties related to the functioning of the conference as may be necessary.

(f) The chairman shall execute, issue, or serve such notices, reports, communications, and other documents relating to the functions of the conference as he may deem proper.

#### § 622.10 Presentation of material.

The chairman shall prescribe the order for the presentation of material concerning the waters to be covered by the conference. Such material shall include a report by the Water Quality Office (where the Administrator has proposed revisions) or by the State which has proposed revisions, stating the established standards for said waters, the present quality of said waters, the uses both existing and potential of such waters, and the criteria and implementation schedules necessary to protect and enhance such uses, all as related to the proposed revisions.

#### § 622.11 Conference procedure.

(a) Persons making statements need not be sworn or make affirmation. Each party shall be given an opportunity to make a statement concerning the proposed revisions, an opportunity after all

parties have been heard to make a further statement which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendations as to the proposed revisions in either his first or subsequent statement.

(b) When necessary, in order to prevent undue prolongation of the conference, the chairman may limit the number of times any party may make a statement and may direct that further statements be made in writing.

(c) The chairman shall exclude irrelevant, immaterial, or unduly repetitious material.

#### § 622.12 Record of proceedings.

(a) The proceedings shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All statements, charts, tabulations, and other data shall be received in the record. If a party objects to the admissibility of such material, the objection shall be noted and the chairman shall have a right to rule thereon.

(c) When the statement refers to a statute, or a report or document, the chairman shall, after satisfying himself of the identification of such statute, report or document, determine whether the same shall be produced at the conference and physically be made part of the record or shall be incorporated in the record by reference.

(d) The chairman may take official notice of statutes of States and of duly promulgated regulations of any Federal or State agency.

(e) The chairman shall submit to the Administrator the verbatim transcript including all charts, tabulations, and similar data which are part of the conference record.

#### § 622.13 Preparation, publication, and promulgation of water quality standards.

(a) Subsequent to submission of the conference transcript and record, the Administrator shall either: (1) Notify the parties to the conference of his determination that the proposed revisions covered by the conference are not consistent with section 10(c) (3) of the Act; or (2) shall prepare regulations setting forth the proposed revisions covered by the conference, with such modifications as he shall deem necessary to conform with section 10(c) (3) of the Act. Such regulations shall be published in the FEDERAL REGISTER.

(b) If, within 6 months from the date the Administrator publishes such regulations, the State has not adopted revisions to its water quality standards which the Administrator finds to be consistent with section 10(c) (3) of the Act, or a petition for public hearing has not been filed under section 10(c) (4) of the Act, the Administrator shall promulgate revisions by publication thereof in the FEDERAL REGISTER. Such revisions shall be effective thirty (30) days after such publication unless a petition for public hearing has been first filed.



(c) At any time prior to thirty (30) days after revisions have been promulgated under paragraph (b) of this section, or thirty (30) days after receipt of notice of the Administrator's determination pursuant to paragraph (a) (1) of this section, the Governor of any affected State may petition the Administrator for a public hearing under section 10(c) (4) of the Act. A petition for a public hearing need not observe any fixed form, but it must be in writing directed to the Administrator and state that the petitioning Governor desires the Administrator to call a public hearing with respect to revision of water quality standards under section 10(c) (4) of the Act, and must identify the interstate waters and the revisions with respect to which such hearing is to be called.

(d) If a petition for a public hearing is filed under section 10(c) (4) of the Act, and the Administrator finds that the conditions precedent to the calling of such a hearing exist, he will call such a hearing and may either fix the time and place thereof, or authorize the Commissioner to do so. Such hearing shall proceed in accordance with the provisions of §§ 604.13-604.24 of this chapter. (1) If the Hearing Board approves the revisions as published or promulgated by the Administrator, the revisions shall take effect on receipt by the Administrator of the Hearing Board's recommendations. (2) If the Hearing Board agrees with the Administrator's refusal to approve revisions, then no revisions shall take effect. (3) If the Hearing Board recommends modifications in the revisions as published or promulgated by the Administrator, or recommends revisions where the Administrator refused to approve revisions, the Administrator shall promulgate revised regulations setting forth the revisions as recommended by the Hearing Board, which revisions

will become effective immediately upon such promulgation.

Dated: April 2, 1971.

WILLIAM D. RUCKELSHAUS,  
Administrator, Environmental  
Protection Agency.

[FR Doc.71-4920 Filed 4-7-71;8:50 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 564 ]

[No. 71-308]

### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### Settlement of Insurance Upon Default

MARCH 31, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 564.1 of the Rules and Regulations for Insurance of Accounts (12 CFR 564.1) for the purpose of providing for payment of insurance on the amount of an insured member's account as of the date of default of an insured institution, including earnings computed to such date. Accordingly, the Federal Home Loan Bank Board proposes to amend said § 564.1 by revising paragraphs (a) and (b) thereof to read as follows:

#### § 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, the insured members thereof and the amount of the insured account of each such member. The Corporation will give to each member written notice of the time and place of payment of insurance by

mail at the last known address as shown by the books of the insured institution.

(b) *Amount of insured account.* The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest thereon accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether the account is subject to any pledge. In the case of an account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

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

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by May 10, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL]

JACK CARTER,  
Secretary.

[FR Doc.71-4897 Filed 4-7-71;8:48 am]



# Notices

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

#### COLD ROLLED STAINLESS STEEL SHEET FROM JAPAN

#### Antidumping Proceeding Notice

MARCH 29, 1971.

On February 9, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that cold rolled stainless steel sheet from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

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

[F.R. Doc. 71-4939 Filed 4-7-71; 8:52 am]

#### Office of the Secretary

[Treasury Department Order No. 219]

#### DEPUTY ASSISTANT SECRETARY FOR ENFORCEMENT AND OPERATIONS

#### Delegation of Authority

By virtue of the authority vested in me by Treasury Department Order No. 190 (Rev. 7), it is hereby ordered that the Deputy Assistant Secretary (Enforcement and Operations) is authorized to take final action with respect to any petition for remission, mitigation, or cancellation of any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) incurred or arising under the Tariff Act of 1930, as amended, or any other law to the extent that it is administered by the Bureau of Customs.

Treasury Department Order No. 165, revised, shall not be affected by this order.

Dated: April 1, 1971.

[SEAL] EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.

[F.R. Doc. 71-4889 Filed 4-7-71; 8:47 am]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### FOREIGN ECONOMIC DEVELOPMENT SERVICE

#### Assignment of Functions

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Statement of Organization and Delegations published in 29 F.R. 16210 et seq., as amended, is further amended by deleting the delegation of authority to the International Agricultural Development Service in section 194 and by making a new delegation to the Foreign Economic Development Service to read as follows:

Sec. 194. *Assignment of Functions.* The following assignment of functions is hereby made to the Foreign Economic Development Service.

a. General administration and coordination of the Department's responsibilities and activities in foreign development assistance and training programs including those under sections 301 and 302 of the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1452); the Foreign Assistance Act of 1961, Public Law 87-195, as amended (22 U.S.C. 2161-2169, 2171-2178, 2211-2213, 2241-42, 2357, 2387, 2388); the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458); section 109 of the Agricultural Trade Development Assistance Act of 1954, as amended (7 U.S.C. 1709); and in developing and maintaining effective relationships with international and U.S. organizations in planning and carrying out such programs which include the following:

1. Providing leadership in the formulation of current and long-range policies and plans for carrying out technical assistance and agricultural development responsibilities abroad including nutrition and other related activities.

2. Developing and maintaining effective relationships with the Agency for International Development, Peace Corps and other appropriate public and private United States and international organizations, with respect to planning and carrying out development assistance and training programs.

3. Coordinating the resources of the Department (USDA), and expedition of the applications of these resources in the planning, review, evaluation, and operation of country or regional agricultural developments projects and activities for which the Department is given responsibility, including the orientation of U.S. personnel and the training of foreign nationals.

4. Coordinating the recruitment and assignment, and direction, of USDA personnel on detail or loan to the Agency for International Development, Food and Agriculture Organization, and other agencies and organizations under agreements relating to development assistance.

5. Providing a focal point of contact within the Department for private organizations seeking USDA cooperation in technical assistance and agricultural development activities.

6. Coordinating of the implementation of Government-sponsored agriculture exchange programs.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

APRIL 5, 1971.

[F.R. Doc. 71-4938 Filed 4-7-71; 8:52 am]

#### Packers and Stockyards Administration

#### SAM GIDDENS LIVESTOCK AUCTION ET AL.

#### Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

#### ARKANSAS

Sam Giddens Livestock Auction, Booneville, Feb. 19, 1971.

#### INDIANA

Hamilton County Livestock Auction, Noblesville, Mar. 1, 1971.

#### MINNESOTA

Rushford Sale Barn, Rushford, Mar. 18, 1971.

#### NEW YORK

Empire Livestock Marketing Cooperative (Market 2), Bath, Feb. 17, 1971.



## OKLAHOMA

Maysville Livestock Auction, Maysville, Feb. 26, 1971.  
Waurika Livestock Market, Waurika, Mar. 26, 1971.

Done at Washington, D.C., this 2d day of April 1971.

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

[FR Doc.71-4937 Filed 4-7-71; 8:52 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration JOHNSON COUNTY AIR TRAFFIC CONTROL TOWER

#### Notice of Federal Operation

Notice is hereby given that on or about April 11, 1971, the Airport Traffic Control Tower at Johnson County Airport, Olathe, Kans., will be in operation as an FAA facility. The tower is now operated by the Johnson County Airport Commission. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communications to the Johnson County Airport Traffic Control Tower should be addressed as follows:

FAA—Airport Traffic Control Tower, Johnson County Airport, Route 2, Box 366B, 151st and Eureka, Olathe, KS 66061.

Issued in Kansas City, Mo., on March 29, 1971.

EDWARD C. MARSH,  
Director, Central Region.

[FR Doc.71-4919 Filed 4-7-71; 8:50 am]

## ATOMIC ENERGY COMMISSION

[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 Bahía De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1785 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. 22956]

### CHICAGO-ACAPULCO NONSTOP SERVICE INVESTIGATION

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 5, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Order 70-12-150, dated December 29, 1970; the prehearing conference report, served March 12, 1971; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 5, 1971.

[SEAL] ROBERT L. PARK,  
Hearing Examiner.

[FR Doc.71-4935 Filed 4-7-71; 8:52 am]

## CIVIL SERVICE COMMISSION

### DEPARTMENT OF JUSTICE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant

Attorney General for Enforcement, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.  
[FR Doc.71-4926 Filed 4-7-71; 8:51 am]

### DEPARTMENT OF JUSTICE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General for Analysis and Planning, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.  
[FR Doc.71-4927 Filed 4-7-71; 8:51 am]

### DEPARTMENT OF TRANSPORTATION

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Congressional Relations.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.  
[FR Doc.71-4928 Filed 4-7-71; 8:51 am]

### DEPARTMENT OF COMMERCE

#### Notice of Title Change in Noncareer Executive Assignment

By notice of August 14, 1969, F.R. Doc. 69-9598, the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Deputy Director for Planning, Office of Foreign Direct Investments. This is notice that the title of this position is now being changed to Deputy Director, Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.  
[FR Doc.71-4929 Filed 4-7-71; 8:51 am]



## DEPARTMENT OF JUSTICE

## Notice of Title Change in Noncareer Executive Assignment

By notice of October 7, 1969, F.R. Doc. 69-11959 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Staff Assistant, Internal Security Division. This is notice that the title of this position is now being changed to Chief, Criminal Section, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 71-4930 Filed 4-7-71; 8:51 am]

## DEPARTMENT OF TRANSPORTATION

## Notice of Title Change in Noncareer Executive Assignment

By notice of April 5, 1969, 34 F.R. Doc. 69-4038, the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Director, Office of Government Liaison, Office of Assistant Secretary for Public Affairs. This is notice that the title of this position is now being changed to Director of Intergovernmental Relations, Office of Congressional Relations.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 71-4931 Filed 4-7-71; 8:51 am]

## FEDERAL POWER COMMISSION

[Docket No. G-2584 etc.]

## MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

MARCH 29, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, peti-

tions 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.

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 all

applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2584 D 3-3-71	Mobile Oil Corp., Post Office Box 1774, Houston, TX 77001.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn County, Wyo.	Assigned	
G-3287 C 3-1-71 as amended 3-12-71 <sup>1</sup>	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	216.73376	14.65
G-7004 D 3-4-71	Pennzoil United, Inc., Post Office Drawer 1588, Parkersburg, W. Va. 26101 (partial abandonment).	Consolidated Gas Supply Corp., acreage in Braxton County, W. Va.	(2)	
G-8347 C 11-2-70 <sup>1</sup>	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, TX 77001.	El Paso Natural Gas Co., Snyder Plant, Scurry County, Tex.	418.1553	14.65
G-9357 C 3-8-71 <sup>1</sup>	Monsanto Co., 1300 Post Oak Tower, 6051 Westheimer, Houston, TX 77027.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.7338	14.65
G-16368 D 3-10-71	Mobile Oil Corp.	Transwestern Pipeline Co., West Shattuck Field, Ellis County, Okla.	Assigned	
G-18726 D 3-3-71	Mobile Oil Corp. (partial abandonment).	Transwestern Pipeline Co., acreage in Ellis County, Okla.	(4)	
CI61-1429 C 3-1-71 <sup>1</sup>	Texas Pacific Oil Co., Inc., 1700 One Main Pl., Dallas, TX 75250.	El Paso Natural Gas Co., Langley Mattox Field, Lea County, N. Mex.	11.0	14.65
CI63-886 D 3-5-71	General American Oil Co. of Texas (Operator) et al., Meadows Bldg., Dallas, TX 75206.	Transcontinental Gas Pipe Line Corp., Southeast Rayne Field, Lafayette Parish, La.	Depleted	
CI66-410 C 2-25-71	Atlantic Richfield Co. (Operator) et al.	Northern Natural Gas Co., Eldorado Gas Plant, Schleicher County, Tex.	720.0563	14.65
CI66-423 E 3-5-71	Elliott A. Riggs (successor to North American Resources Corp.) Post Office Box 711, Farmington, NM 87401.	El Paso Natural Gas Co., Aztec Fruitland Field, San Juan County, N. Mex.	10.0	15.025
CI67-262 D 3-8-71	Humble Oil & Refining Co. (partial abandonment).	Michigan Wisconsin Pipe Line Co., Savoy Field, St. Landry Parish, La.	Depleted	
CI67-286 C 3-4-71	Monsanto Co.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	16.0	14.65
CI67-596 C 3-8-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Oklahoma Natural Gas Gathering Corp., Cleo Springs Field, Major County, Okla.	13.0	14.65
CI68-703 B 3-3-71 <sup>1</sup>	Banquette Gas Co., a division of Crestmont Oil & Gas Co., 2622 Mission St., San Marino, CA 91108.	United Gas Pipe Line Co., Odem and Taft Fields, San Patricio County, Tex.	Uneconomical	
CI68-946 B 3-3-71 <sup>1</sup>	James E. Warren, 519 Wilson Bldg., Corpus Christi, TX 78403.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., North Odem Field, San Patricio County, Tex.	(5)	
CI68-1034 B 3-3-71 <sup>1</sup>	S. A. Story, Post Office Box 1556, Corpus Christi, TX 78403.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Plymouth Field, San Patricio County, Tex.	(5)	
CI69-1237 E 2-18-71	Imperial American Management Co. (successor to King Resources Co.), 777 The Main Bldg., Houston, TX 77002.	Northern Natural Gas Co., Fort Supply Field, Ellis County, Okla.	18.54	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pres- sure base
C171-1113 B 3-3-71	Banquette Gas Co., a division of Crestmont Oil & Gas Co.	United Gas Pipe Line Co., Odem and Taft Fields, San Patricio County, Tex.	Uneconomical	---
C171-281 C 3-5-71	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	11 20.0	14.65
C171-381 C 3-1-71	Par Oil Corp., 504 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sligo Field, Bossier Parish, La.	18.75	15.025
C171-683 (C169-803)	Delta Drilling Co. (successor to Pennzoil United, Inc.), and Stetco '68, Ltd.), Post Office Box 2012, Tyler, TX 75701.	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	12 17.55 13 17.65	14.65
C171-612 B 2-26-71	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Sid Richardson Gasoline Co., a division of Sid Richardson Car- bon and Gasoline Co., acreage in Winkler County, Tex.	(9)	---
C171-613 B 3-1-71	Gregg Oil Co., Inc., et al., Post Office Box 4043, Monroe, LA 71201.	Southern Natural Gas Co., Monroe Gas Field, Ouachita and Union Parishes, La.	Uneconomical	---
C171-614 B 3-1-71	Placid Oil Co., 2500 First Na- tional Bank Bldg., Dallas, TX 75202.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	Depleted	---
C171-615 B 3-1-71	H & H Oil & Gas Corp., Post Office Box 4043, Monroe, LA 71201.	Texas Gas Transmission Corp., Monroe Gas Field, Union, Ou- achita, and Morehouse Parishes, La.	Uneconomical	---
C171-616 B 3-1-71	do	Arkansas Louisiana Gas Co., Mon- roe Gas Field, Union Parish, La.	Uneconomical	---
C171-617 A 3-1-71	Shenandoah Oil Corp. (Operator) et al., 1300 Commerce Bldg., Fort Worth, TX 76102.	Texas Gas Transmission Corp., Iota Field, Acadia Parish, La.	27.22	15.025
C171-618 A 3-1-71	Wielita Resources, 701 14d. (Operator) et al., 723 Western United Life Bldg., Midland, TX 79701.	El Paso Natural Gas Co., North Branch Field, Sutton County, Tex.	22.0	14.65
C171-619 A 3-1-71	Cities Service Oil Co., Post Office Box 306, Tulsa, OK 74102.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	32.0	15.325
C171-620 (C170-746)	Imperial-American Management Co. (successor to King Re- sources Co.).	Arkansas Louisiana Gas Co., Wilbur- ton Field, Latimer and Le Flore Counties, Okla.	15.0	14.65
C171-621 (C167-5075)	Houston Oil & Minerals Corp. Successor to Humble Oil & Refining Co., 242 The Main Bldg., 12 Main St., Houston, TX 77002.	Texas Eastern Transmission Corp., West George West Field, Live Oak County, Tex.	14.9377	14.6
C171-622 (G-9465)	do	do	14.9377	14.6
C171-623 F 2-26-71	William E. Wise, 585 Three Cal- gary Pl., 355 4th Ave. SW., Calgary, AB	Northern Natural Gas Co., Tiger Ridge Field, Hill County, Mont.	15.5	14.7
C171-624 A 3-1-71	Amoco Production Co., 19 Post Office Box 501, Tulsa, OK	Southern Union Gathering Co., Fulcher-Kuiz Pictured Cliffs Field, San Juan County, N. Mex.	13.0	15.0
C171-625 B 3-3-71	General American Oil Co. of Texas (Operator), et al., Meadows Bldg., Dallas, TX 75202.	Trunkline Gas Co., Northeast Bell City Field and East Bon Air Field Areas, Caledonia and Jefferson Davis Parishes, La.	Depleted	25
C171-626 A 3-3-71	Mobil Oil Corp.	Transwestern Pipeline Co., Bar- stow (Fusselman) Field, Ward County, Tex.	14 26.5	14.65
C171-627 B 3-4-71	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Clinton Oil Co., Aukwine Field, Key County, Okla.	Uneconomical	---
C171-628 A 3-4-71	Cotton Petroleum Co., 2121 South Columbia, Tulsa, OK 74114.	El Paso Natural Gas Co., Pan Petre Upper Morrow Field, Ochiltree County, Tex.	14 20.5	14.65
C171-629 B 2-26-71	Inexco Oil Co., 1301 Americana Bldg., Houston, TX 77002.	Transcontinental Gas Pipe Line Corp., West St. Paul Area, San Patricio County, Tex.	Depleted	---
C171-630 (G-11984)	J. Gregory Merriott et al. (suc- cessor to Mobil Oil Corp.), Box 1541, Farmington, NM 87401.	El Paso Natural Gas Co., Gavilan Field, Rio Arriba County, N. Mex.	20 13.275	15.025
C171-631 (C170-146)	Imperial-American Management Co. (successor to King Re- sources Co.).	United Gas Pipe Line Co., South Bourg Field, Terrebonne Parish, La.	20.0	15.025
C171-632 (G-10995)	J. Gregory Merriott et al. (suc- cessor to Skelly Oil Co.).	El Paso Natural Gas Co., Gavilan Field, Rio Arriba County, N. Mex.	13.0551	15.025
C171-633 F 3-3-71	Banquette Gas Co., a division of Crestmont Oil & Gas Co.	United Gas Pipe Line Co., Wildcat Field, Wharton County, Tex.	Uneconomical	---
C171-634 B 3-3-71	do	United Gas Pipe Line Co., Odem and Taft Fields, San Patricio County, Tex.	Uneconomical	---
C171-635 B 3-3-71	do	United Gas Pipe Line Co., Morgan and South St. Paul Fields, San Patricio County, Tex.	Uneconomical	---
C171-636 B 3-3-71	do	United Gas Pipe Line Co., Spartan and Odem Fields, San Patricio County, Tex.	Uneconomical	---
C171-637 B 3-3-71	do	United Gas Pipe Line Co., Ply- mouth and East Taft Fields, San Patricio County, Tex.	Uneconomical	---
C171-638 B 3-3-71	William D. Johnson, 810 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Ply- mouth-Taft Field, San Patricio County, Tex.	(9)	---
C171-639 B 3-3-71	Perry R. Bass, Inc. (Operator) 8140 12th St. Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Houb Field, Wharton County, Tex.	(9)	---
C171-640 B 3-3-71	J. B. Gardner, d.b.a. Nueces Well Service c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX 77701.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Spartan- Odem Field, San Patricio County, Tex.	(9)	---
C171-641 B 3-3-71	W. J. Riley (successor to Arnold Well Service et al.), c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX 77701.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Odem Field, San Patricio County, Tex.	(9)	---
C171-642 B 3-3-71	H. F. Boester (successor to Hawn Brothers), 409 Santa Monica, Corpus Christi, TX 78411.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Ply- mouth and East Taft Fields, San Patricio County, Tex.	(9)	---
C171-643 B 3-3-71	Bobby M. Burns (successor to B. F. Ussery, d.b.a. Melba Production Co.), 620 Guaranty National Tower, Corpus Christi, TX 77001.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., Ply- mouth-Taft Field, San Patricio County, Tex.	(9)	---
C171-644 B 3-3-71	B. F. Ussery, d.b.a. Melba Production Co., 302 Hawn Bldg., Corpus Christi, TX 77001.	do	(9)	---
C171-645 A 3-4-71	Pennzoil United, Inc., Post Office Drawer 1888, Parkers- burg, WV 26101.	Equitable Gas Co., Otter Area, Braxton County, W. Va.	32.0	15.325
C171-646 A 3-4-71	Amoco Production Co.	Texas Gas Transmission Corp., West Gheydan Field, Vermilion Parish, La.	26.0	15.025
C171-647 A 3-5-71	A. W. Pogue, Post Office Box 988, Midland, TX 79701.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	14 19.8235	14.65
C171-648 A 3-5-71	Michel T. Halibouty (Operator) et al., 5111 Westheimer Rd., Houston, TX 77027.	Natural Gas Pipeline Co. of Ameri- ca, Sugar Valley Area, Matagorda, County, Tex.	25.0	14.65
C171-649 A 3-5-71	G. W. Green et al., 808 Building of the Southwest, Midland, TX 79701.	El Paso Natural Gas Co., North Wilshire Devonian Field, Upton County, Tex.	19.0	14.65
C171-650 A 3-8-71	J. N. Gifford et al., 1007 Midland Savings Bldg., Midland, TX 79701.	Natural Gas Pipeline Co. of Ameri- ca, Caprito Area, Ward County, Tex.	22 27.162	14.65
C171-651 B 3-8-71	Texasco Inc., Post Office Box 22332, Houston, TX 77062.	Banquette Gas Co., a division of Crestmont Oil & Gas Co., East Plymouth Field, San Patricio County, Tex.	(9)	---
C171-652 A 3-8-71	Western Natural Gas Co., Post Office Box 580, Shelby, MT 59474.	Northern Natural Gas Co., Tiger Ridge Field, Hill County, Mont.	14 15.5	14.65



Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C171-653, A 3-8-71	Crystal Oil Co. (Operator) et al., 411 Ray P. Oden Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., Middlefork Area, Lincoln Parish, La.	26.0	15.025
C171-654, B 3-8-71	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, TX 75202.	Panhandle Eastern Pipe Line Co., Mokane Field, Beaver County, Okla.	Depleted	
C171-655, A 3-8-71	North Central Oil Corp. (Operator) et al., 1300 Main St., Suite 1000, Houston, TX 77002.	Lone Star Gas Co., North Halsell Field, Clay County, Tex.	17.0	14.65
C171-656, B 3-10-71	Humble Oil & Refining Co.	Panhandle Eastern Pipe Line Co., Mokane-Laverne Field, Beaver County, Okla.	Depleted	

- <sup>1</sup> Amendment to certificate filed to increase daily contract quantities.  
<sup>2</sup> Includes 0.28376 cent per Mcf tax reimbursement.  
<sup>3</sup> Purchaser has no facilities in the area to take the gas.  
<sup>4</sup> Rate in effect subject to refund in Docket No. R170-869 for sales previously authorized under Humble's FPC GRS No. 260.  
<sup>5</sup> Expiration of lease.  
<sup>6</sup> Residue gas.  
<sup>7</sup> Includes 0.0563 cent per Mcf tax reimbursement.  
<sup>8</sup> Original application in said docket sought certificate of public convenience and necessity. Applicant now proposes to abandon service previously commenced pursuant to temporary authorization.  
<sup>9</sup> Uneconomical for Buyer to operate gathering system.  
<sup>10</sup> Rate in effect subject to refund in Docket No. R169-224. Subject to upward and downward B.t.u. adjustment.  
<sup>11</sup> Contract provides for rate of 20 cents per Mcf; however, applicant states its willingness to accept certificate at 18.5 cents per Mcf, subject to B.t.u. adjustment.  
<sup>12</sup> Applies to acreage acquired from Pennzoil and Stetco.  
<sup>13</sup> Applies to additional acreage.  
<sup>14</sup> Subject to upward and downward B.t.u. adjustment.  
<sup>15</sup> Gas will be sold under a percentage-type contract to Cabot Corp.  
<sup>16</sup> Includes 1.22 cents per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.  
<sup>17</sup> Rate in effect subject to refund in Docket No. R168-474.  
<sup>18</sup> Rate in effect subject to refund in Docket No. R168-307.  
<sup>19</sup> Formerly Pan American Petroleum Corp.  
<sup>20</sup> Rate in effect subject to refund in Docket No. R169-430.  
<sup>21</sup> Rate in effect subject to refund in Docket No. R169-389.  
<sup>22</sup> Includes 0.162 cent per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[FR Doc. 71-4677 Filed 4-7-71; 8:45 am]

[Dockets Nos. R171-866, etc.]

### UNION OIL COMPANY OF CALIFORNIA ET AL.

#### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

MARCH 26, 1971.

Respondents have filed proposed changes in rates and charges for jurisdic-

tional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed

changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements 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. Each 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 supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Acting Secretary.<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

## 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	
R171-866..	Union Oil Co. of California.	174	7	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex., Permian Basin).	\$8,142	2-26-71		4-29-71	16.06	17.064	
R169-379..	Aztec Oil & Gas Co.	173	2 1 to 6	El Paso Natural Gas Co. (Pictured Cliffs Formation, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	263	3- 1-71	4- 1-71	<sup>24</sup> Accepted	<sup>26</sup> 13.0551	<sup>28</sup> 13.2501	R169-379.
R171-320..	Aztec Oil & Gas Co.	4	36	El Paso Natural Gas Co. (Mesa Verde Formation, Rio Arriba and San Juan Counties, N. Mex., San Juan Basin).	312	3- 1-71	4- 1-71	<sup>24</sup> Accepted	<sup>26</sup> 13.0551	<sup>28</sup> 13.2501	R171-320.
R170-150..	et al.										R170-150.
R169-379..											R169-379.
R170-546..											R170-546.
R169-379..	Aztec Oil & Gas Co.	7	1 to 36	Southern Union Gathering Co. (Pictured Cliffs, Mesa Verde and Dakota Formations, San Juan County, N. Mex., San Juan Basin).	<sup>1</sup> 585 <sup>2</sup> 35,993	3- 3-71 3- 3-71	4- 3-71 4- 3-71	<sup>24</sup> Accepted <sup>24</sup> Accepted	<sup>1</sup> 36 13.0551 <sup>2</sup> 36 15.0636	<sup>1</sup> 36 13.2501 <sup>2</sup> 36 15.2886	R169-379. R170-546.
R171-178..	do.	32	1 to 2	do.	<sup>1</sup> 9,750 <sup>2</sup> 4,769	3- 3-71 3- 4-71	4- 3-71 4- 3-71	<sup>24</sup> Accepted <sup>24</sup> Accepted	<sup>1</sup> 36 13.0551 <sup>2</sup> 36 15.0636	<sup>1</sup> 36 13.2501 <sup>2</sup> 36 15.2886	R171-178. R171-178.
R171-867..	Humble Oil & Refining Co.	478	1	Natural Gas Pipeline Co. of America (Everts Area, Loving and Winkler Counties, Tex., Permian Basin).	62,100	3- 4-71		<sup>25</sup> 5- 5-71	<sup>4</sup> 22.0	<sup>4</sup> 27.0	
R171-868..	Texaco, Inc.	297	6	Montana-Dakota Utilities Co. (Lignite Gasoline Plant, Burke County, N. Dak.).	6,500	3- 5-71		5- 6-71	<sup>10</sup> 17.0	<sup>10</sup> 18.0	R170-1047.
R171-869..	F. G. Blackwood et al.	2	14	El Paso Natural Gas Co. (Dollard Field, Andrews County, Tex., Permian Basin).	341	3- 8-71		5- 9-71	14.5	19.1639	



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	
R171-870...	Hassie Hunt Trust et al.	37	* 6	Texas Eastern Transmission Corp. (Northeast Lisbon (Deep) Field, Claiborne Parish, North Louisiana).	2,250	3-3-71		5-4-71	<sup>7</sup> 18.75	<sup>7</sup> 19.0	
R171-871...	Marathon Oil Co.	88	* 18	Arkansas Louisiana Gas Co. (Wilburton Field, Haskell, Latimer, Le Flore, and Pittsburg Counties, Okla., Other Area).	2,680	3-2-71		5-3-71	15.0	16.015	
R171-872...	Union Texas Petroleum, a division of Allied Chemical Corp., et al.	72	* 5	Lone Star Gas Co. (East Durant Field, Bryan County, Okla., Other Area).	2,160	3-1-71		5-2-71	* 15.0	19.0	
R171-873...	Monsanto Co.	3	* 11	Mississippi River Transmission Corp. (Hico-Knowles Field, Lincoln Parish, North Louisiana).		3-1-71	4-1-71	<sup>22</sup> Accepted	<sup>11</sup> 14.6039		
R171-874...	Atlantic Richfield Co.	3	12	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Area, Offshore Louisiana).	2,488	3-1-71		5-2-71	<sup>11</sup> 14.6039	<sup>12</sup> 18.75	R171-657.
		230	14 31	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Area, Offshore Louisiana).	17,403	3-1-71		4-16-71	<sup>22</sup> 22.375	<sup>13</sup> 23.5	
R171-875...	Dr. Paul J. Azar	1	* 2	United Gas Pipe Line Co. (Chauvin Field, Terrebonne Parish, Southern Louisiana).	875	3-1-71		4-16-71	<sup>22</sup> 20.0	<sup>13</sup> 21.25	
R171-876...	The Ballard & Cordell Corp.	3	* 9	United Fuel Gas Co. (Florence Field, Vermilion Parish, Southern Louisiana).	22,500	3-1-71		4-16-71	<sup>22</sup> 20.0	<sup>13</sup> 22.50	
R171-877...	J. H. Cordell et al.	1	3	Michigan-Wisconsin Pipe Line Co. (Veltin Field, St. Landry Parish, Southern Louisiana).	5,344	3-1-71		4-16-71	<sup>22</sup> 20.0	<sup>13</sup> 22.375	
	do.	2	2	Michigan-Wisconsin Pipe Line Co. (Calcasieu Parish Field, Cameron Parish, Southern Louisiana).	13,750	3-1-71		4-16-71	<sup>22</sup> 19.75	<sup>13</sup> 22.25	
R171-878...	Callery Properties, Inc. et al.	1	6	Florida Gas Transmission Co. (Palacios Field, Matagorda County, Tex., R.R. District No. 3).	29,968	2-25-71		5-1-71	16.01	19.58531	R170-486.
		5	4	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Trull Field, Matagorda County, R.R. District No. 3).	3,920	2-25-71		5-1-71	16.06	18.23761	R170-486.
R171-879...	Mobil Oil Corp. et al.	318	33	Transcontinental Gas Pipe Line Corp. (La Gloria, Brooks and Jim Wells Counties, Tex., R.R. District No. 4).	<sup>21</sup> 1,112,632	2-25-71		4-28-71	<sup>18</sup> 11.0413 <sup>19</sup> 12.0450 <sup>20</sup> 13.0488	19.0	
R171-880...	Sohio Petroleum Co. et al.	133	* 15	Transcontinental Gas Pipe Line Corp. (Greta Field, Refugio County, Tex., R.R. District No. 2).		2-26-71	3-29-71	<sup>21</sup> Accepted			
		133	16	do.	200,499	2-26-71	3-29-71	4-29-71	11.04125	<sup>22</sup> 19.0 <sup>23</sup> 21.0 <sup>24</sup> 25.0	
R171-881...	The Ballard & Cordell Corp., et al.	4	* 1	Michigan-Wisconsin Pipe Line Co. (North Krotz Springs Field, St. Landry Parish, Southern Louisiana).	10,000	2-26-71		4-13-71	<sup>22</sup> 20.0	<sup>13</sup> 21.25	
R171-882...	Lance Resources, Inc.	1	2	Southern Natural Gas Co. (Franklin Field, St. Mary Parish, Southern Louisiana).	43,200	2-26-71		4-13-71	<sup>22</sup> 20.0	<sup>13</sup> 26.0	
R171-883...	Tenneco Oil Co.	109	1	United Gas Pipe Line Co. (Normanna et al. Fields, Bee County, Tex., R.R. District No. 2).	16,491	2-26-71		4-29-71	17.0	19.7363	

\* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

<sup>1</sup> Pictured Cliffs formation.

<sup>2</sup> Mesa Verde and Dakota formation.

<sup>3</sup> Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

<sup>4</sup> Subject to upward or downward B.t.u. adjustment.

<sup>5</sup> Or for 1 day from the date of initial delivery, whichever is later.

<sup>6</sup> Applicable only to acreage added by Supplement No. 4.

<sup>7</sup> Base rate subject to downward B.t.u. adjustment.

<sup>8</sup> Applicable only to acreage added by Supplement Nos. 12, 13, 14, 15, 16, and 17.

<sup>9</sup> Amendment dated Jan. 25, 1971, provides for a rate of 17 cents after Dec. 1, 1970, provided that the rate will be adjusted from time to time to the highest rate approved by the FPC. Also provides for 1.75-cents tax reimbursement and extends the term of the contract for 10 years.

<sup>10</sup> The pressure base is 14.73 p.s.i.a.

<sup>11</sup> Includes 1.3333-cents tax reimbursement and 0.2249-cent dehydration charge paid by buyer.

<sup>12</sup> Includes 1.75-cents tax reimbursement.

<sup>13</sup> Increase resulting from termination of moratorium in Southern Louisiana pursuant to order No. 413 issued Oct. 27, 1970.

<sup>14</sup> Pertains only to gas produced from reservoirs discovered after Oct. 1, 1968, as identified therein.

<sup>15</sup> Applicable only to gas well gas, which is the only gas presently sold under the rate schedule.

<sup>16</sup> As corrected by filing transmitted by letter dated Mar. 2, 1971.

<sup>17</sup> Increased rate is limited to the rate level prescribed in the Dec. 24, 1970, order

issued in Docket No. R-394. Subject to B.t.u. adjustment.

<sup>18</sup> For gas not requiring compression or which is compressed by buyer.

<sup>19</sup> For gas presently compressed by buyer if seller takes over operation of buyer's compressors.

<sup>20</sup> For gas requiring compression for delivery if seller elects to install and operate compression facilities.

<sup>21</sup> Based on the assumption that all gas is sold at 13.0488 cents which may or may not be true as the gas may be sold at one, two or three rates.

<sup>22</sup> Agreement dated Dec. 3, 1970, provides, among other things, for an extension of term of contract until Apr. 1, 1981, and for renegotiated rates provided therein or for any higher area ceiling price. Also limits gas reserves committed to contract.

<sup>23</sup> For gas delivered from reservoirs discovered prior to Sept. 28, 1970.

<sup>24</sup> For gas delivered from reservoirs discovered from Sept. 28, 1960 to June 17, 1970.

<sup>25</sup> For gas delivered from reservoirs discovered after June 17, 1970.

<sup>26</sup> As corrected by filing dated Mar. 3, 1971, and letter dated Mar. 9, 1971.

<sup>27</sup> Applicable only to gas well gas, the only gas sold under such rate schedule.

<sup>28</sup> Not used.

<sup>29</sup> Not used.

<sup>30</sup> Not used.

<sup>31</sup> Not used.

<sup>32</sup> Not used.

<sup>33</sup> Not used.

<sup>34</sup> Accepted, for filing to be effective as of the dates shown in the "Effective Date" column, subject to refund in the related rate proceedings.

<sup>35</sup> Accepted to become effective on the date shown in the "Effective Date" column, subject to the conditions prescribed elsewhere in this order.

<sup>36</sup> The pressure base is 15.025 p.s.i.a.



[Docket No. CP71-229]

**BLUEBONNET GAS CORP.****Notice of Application**

APRIL 1, 1971.

Take notice that on March 23, 1971, Bluebonnet Gas Corp. (applicant), Post Office Box 2806, Corpus Christi, TX 78403, filed in Docket No. CP71-229 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes the construction and operation of a 2½-inch gathering line and a measuring station to be located in Acadia Parish, La., to enable applicant to purchase additional volumes of natural gas and to transport and deliver said gas to Florida Gas Transmission Co. Applicant states that the estimated initial daily delivery volume proposed herein is 1,000 Mcf. The estimated cost of the facilities necessary therefor is \$13,300 which cost applicant states will be financed by the issuance of common stock to its parent company, Tejas Gas Corp.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 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.71-4900 Filed 4-7-71;8:49 am]

[Docket No. CP71-230]

**MISSISSIPPI RIVER TRANSMISSION CORP.****Notice of Application**

APRIL 1, 1971.

Take notice that on March 25, 1971, Mississippi River Transmission Corp. (applicant), 9900 Clayton Road, St. Louis, MO 63124, filed in Docket No. CP71-230 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 June 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed \$400,000 with no single project costing in excess of \$100,000 which cost applicant states will be financed from funds on hand and funds generated through normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 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

The proposed increases of Aztec Oil & Gas Co. reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. Southern Union Gathering Co. (purchaser) has protested such tax reimbursement claiming that Aztec is not contractually entitled to such tax reimbursement. In view of the contractual problem presented, the hearings provided with respect to these increased rate filings shall concern themselves with the contractual basis for such filings as well as the statutory lawfulness of the proposed rates.

The proposed increase of Texaco, Inc., is for a sale in North Dakota where no ceiling rates have been established. The highest certificated rate in North Dakota is 16 cents per Mcf. Since the proposed rate exceeds the highest certificated rate in the area, the proposed increase shall be suspended.

The agreements filed by Monsanto Co. and Sohio Petroleum Co. et al. in addition to providing for proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. Sohio is also advised that the acceptance of its agreement does not constitute any authorization to abandon any acreage covered by the original contract which is not covered by such agreement.

Pursuant to Order No. 423 the proposed rates involved here, except for the Southern Louisiana increases and the tax reimbursement increases, are suspended for a period ending 61 days from the date of filing or 1 day from the proposed effective date, whichever is later.

The Southern Louisiana increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

The proposed 25-cent increased rate of Sohio exceeds the corresponding rate limitation for increased rates in Southern Louisiana. In view thereof we shall suspend this proposed rate for 5 months from the expiration of the 30-day statutory notice period.

Mobil Oil Corp. et al. has filed a proposed unilateral increase and requests that the 60-day notice period provided in Order No. 423 (issued February 18, 1971, in Docket No. R-407) be waived to the extent necessary to permit its proposed increase to be suspended for 1 day from a proposed effective date of April 1, 1971, the date of expiration of the related contract. In support of the request, Mobil states that as a result of Order No. 423, other producers who have filed proposed increases to the same or higher rates in the same field have had their suspension periods shortened and will commence collecting the increases prior to April 1, 1971. Good cause has not been shown for granting Mobil's request and it is denied.

[FR Doc.71-4676 Filed 4-7-71;8:45 am]



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. 71-4901 Filed 4-7-71; 8:49 am]

[Docket No. CP71-231]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Notice of Application

APRIL 2, 1971.

Take notice that on March 26, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-231 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the receipt of natural gas from Offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct 4.32 miles of 36-inch pipeline onshore, 28.33 miles of 36-inch pipeline offshore, 11.50 miles of 24-inch lateral pipeline offshore, 4.90 miles of 16-inch lateral pipeline, an offshore platform, a side tap, measurement facilities and various appurtenant facilities. Applicant states that these facilities are necessary for the receipt of natural gas to be purchased from various producers in Blocks 144, 145, 172, and 181, West Cameron Area, Offshore Louisiana. The purpose of the facilities proposed herein is to maintain an adequate supply of natural gas to Metropolitan Chicago and other areas of the midwest. The estimated cost of these facilities is \$19,906,000 which cost applicant states will be financed by the issuance of commercial paper, short-term borrowings and funds obtained through a line of credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 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. 71-4902 Filed 4-7-71; 8:49 am]

[Docket No. CP71-233]

## UNITED FUEL GAS CO.

### Notice of Application

APRIL 2, 1971.

Take notice that on March 29, 1971, United Fuel Gas Co. (applicant), 1700 MacCorkle Avenue SE., Charleston, WV 25325, filed in Docket No. CP71-233 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce, through existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently sells natural gas on a direct sales basis to Detroit Steel Corp. (Detroit Steel) located in New Boston, Ohio. As part of a system-wide separation by the Columbia Gas System, Inc., of its wholesale and retail operations, applicant states that it will transfer this direct sale to Ohio Valley Gas Co. (Ohio Valley) effective May 1, 1971. To carry out this transfer of service, applicant proposes to establish a new delivery point to Ohio Valley through facilities presently used for the sale to Detroit Steel and to increase the total maximum daily deliveries of natural gas to Ohio Valley by the amount necessary to supply Detroit Steel's requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accord-

ance 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. 71-4903 Filed 4-7-71; 8:49 am]

[Docket No. CP71-238]

## MIDWESTERN GAS TRANSMISSION CO.

### Notice of Application

APRIL 6, 1971.

Take notice that on April 5, 1971, Midwestern Gas Transmission Co. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP71-238 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of increased volumes of natural gas to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to sell additional volumes of natural gas which it proposes to import from Canada to Michigan Wisconsin Pipe Line Co. and to any other of its existing customers requesting additional gas, on an if, as, and when available basis during the period commencing upon the date of such authorization and ending October 31, 1971. Applicant states that no additional facilities will be required in order to make the sales proposed herein and that such proposed sales are to be in addition to the presently authorized sales now being made under presently effective contracts and rate schedules.



It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, 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.71-4991 Filed 4-7-71;8:52 am]

## FEDERAL RESERVE SYSTEM

### AMERICAN BANKSHARES CORP.

#### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of American Bankshares Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of Menomonee Falls Bank, Menomonee Falls, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), and application by American Bankshares Corp., Milwaukee, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Menomonee Falls Bank, Menomonee Falls, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 25, 1970 (35 F.R. 19644), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the sixth largest banking organization in Wisconsin, controls three banks with aggregate deposits of \$126 million, representing 1.4 percent of the State's total deposits. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank (\$8.9 million in deposits), Applicant would increase its share of State-wide deposits by only 0.1 percent, leaving unchanged its present ranking among banking organizations in the State.

Bank is located in the town of Menomonee Falls which is approximately 15 miles northwest of downtown Milwaukee. The only other bank in Menomonee Falls is almost four times as large as Bank. The closest banking office of any subsidiary of Applicant to Bank is situated about 8 miles away within the city limits of Milwaukee. Though there is some existing competition between this subsidiary of Applicant and Bank, it is of a small magnitude. Applicant has 3.9 percent of deposits in a market approximated by Milwaukee County and the eastern portion of Waukesha County while Bank has only 0.3 percent of deposits in this area. Based upon the record before it, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area.

Banking factors as they relate to Applicant are generally satisfactory and are consistent with approval of the application and in the case of Bank weigh in favor of approval due to the likelihood of strengthened management.

Bank's affiliation with Applicant appears to offer the prospect that expanded or improved banking services, such as a more varied loan policy, will be provided

by Bank to customers in Bank's service area, and that Bank's operations will be strengthened through special services provided by Applicant. Considerations relating to the convenience and needs of the communities in Bank's service area thus lend support for approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>

April 1, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[FR Doc.71-4873 Filed 4-7-71;8:46 am]

## FIRST FLORIDA BANCORPORATION

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Florida Bancorporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 90 percent or more of the voting shares of Peoples Bank of Crescent City, Crescent City, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

<sup>1</sup> Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.



Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, April 2, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.  
[FR Doc.71-4874 Filed 4-7-71;8:46 am]

### FIRST FLORIDA BANCORPORATION Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Florida Bancorporation, which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The State Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Re-

serve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, April 2, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.  
[FR Doc.71-4875 Filed 4-7-71;8:46 am]

### FIRST NATIONAL BANCORPORATION, INC.

#### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of the First National Bancorporation, Inc., Denver, Colo., for approval of acquisition of 80 percent or more of the voting shares of The Exchange National Bank of Colorado Springs, Colorado Springs, Colo.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by the First National Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of acquisition of 80 percent or more of the voting shares of The Exchange National Bank of Colorado Springs, Colorado Springs, Colo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller indicated his view that the proposed acquisition would have no adverse competitive effect.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 25, 1970 (35 F.R. 12041), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement<sup>1</sup> of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Concurring Statement of Governor Mitchell and Dissenting Statement of Governors Robertson, Malsel, and Brimmer also filed as part of the original document and available upon request.

Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,<sup>2</sup> April 1, 1971.

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.  
[FR Doc.71-4796 Filed 4-7-71;8:46 am]

## INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN HAITI

#### Entry or Withdrawal From Warehouse for Consumption

APRIL 1, 1971.

On December 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19723) a letter dated December 18, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing a level of restraint of 20,000 dozen pair on cotton textile products in Category 39, produced or manufactured in Haiti, and exported to the United States during the 12-month period beginning August 31, 1970, and extending through August 30, 1971. On the basis of revised data, it has been determined that the level of restraint referred to above should have been 98,130 dozen pair instead of 20,000 dozen pair.

Accordingly, there is published below a letter of April 1, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of December 18, 1970.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Sec-  
retary for Resources.

SECRETARY OF COMMERCE  
PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on December 18, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee, regarding imports into the United States of cotton textile products in Category 39, produced or manufactured in the Republic of Haiti.

The first paragraph of the directive of December 18, 1970, is amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on Febru-

<sup>2</sup> Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Malsel, and Brimmer.



ary 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 31, 1970, and extending through August 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 39, produced or manufactured in the Republic of Haiti, in excess of a level of restraint for the period of 98,130 dozen pair."

The actions taken with respect to the Government of the Republic of Haiti and with respect to imports of cotton textiles and cotton textile products from the Republic of Haiti have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,  
Secretary of Commerce, Chairman,  
President's Cabinet Textile Ad-  
visory Committee.

[F.R. 71-4883 Filed 4-7-71; 8:47 am]

## SECURITIES AND EXCHANGE COMMISSION

[812-2915]

### BROAD STREET INVESTING CORP.

#### Notice of Filing of Application for an Order Exempting Sale of Open-End Company of Its Shares at Other Than the Public Offering Price

APRIL 1, 1971.

Notice is hereby given that Broad Street Investing Corp. (Applicant) 63 Broadway New York, NY 10006, a Maryland corporation registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Watson-Flagg Machine Co. (Watson). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Watson, a New Jersey corporation, is a company all of the outstanding stock of which is owned beneficially by 12 persons, and is primarily engaged in investing, reinvesting, and trading in securities. Applicant asserts that Watson is excepted from the definition of an investment company by reason of the provisions of section 3(c)(1) of the Act. Prior to 1956 Watson was engaged as a

manufacturing firm and in that year sold or otherwise disposed of substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between Applicant and Watson, substantially all of the cash and securities owned by Watson, with a value of approximately \$4,454,824 as of February 26, 1971, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in the application) of the assets of Watson to be transferred to Applicant as of valuation time, as defined in the agreement.

Since the exchange is expected to be tax free for Watson and its stockholders, Applicant's cost-basis for tax purposes for the assets acquired from Watson will be the same as Watson's cost-basis, rather than the price actually paid by Applicant for the assets. If the valuation under the agreement had taken place on February 26, 1971, Watson would have received 318,657 shares of Applicant's stock.

When received by Watson, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the Watson stockholders on the liquidation of Watson. Applicant has been advised by the management of Watson that the stockholders of Watson have no present intention of redeeming or otherwise transferring any of Applicant's shares following the proposed transaction.

The Applicant represents that no affiliation exists between Watson or its officers, directors, or stockholders and Applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Vreeland Flagg, a director of Watson, held 125,412 shares of the Applicant as of February 26, 1971, which was forty-four one-hundredths of 1 percent of the outstanding shares of Applicant on that date. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that the securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an 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.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and is 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 21, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time 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.71-4906 Filed 4-7-71; 8:49 am]

[70-4984]

### GREAT LAKES GAS TRANSMISSION CO. AND AMERICAN NATURAL GAS CO.

#### Notice of Proposed Issue and Sale by Subsidiary Company of Common Stock and of Notes to Banks

MARCH 31, 1971.

Notice is hereby given that American Natural Gas Company (American Natural), a registered holding company, and its subsidiary company, Great Lakes Gas Transmission Co. (Great Lakes), 30 Rockefeller Plaza, New York, NY 10020, have filed an application and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating



sections 6(b), 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. The application relates to the issue and sale by Great Lakes of additional common stock and notes to banks. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Great Lakes proposes to amend its certificate of incorporation to increase its authorized shares of common stock, \$100 par value, from 450,000 shares presently outstanding to 500,000 shares. Great Lakes further proposes to issue and sell to American Natural, and American Natural proposes to acquire, 25,000 shares of Great Lakes' common stock at the aggregate par value thereof of \$2,500,000, and a like number of shares will be sold, at the par value thereof, to Trans-Canada Pipe Lines Ltd. (Trans-Canada). Trans-Canada and American Natural each have purchased 50 percent of Great Lakes' outstanding 50,000 shares of common stock for a total consideration of \$45 million. The proposed sale will increase their respective common stock investment to \$50 million.

Great Lakes also proposes to issue notes to banks pursuant to a Bank Loan Agreement dated February 5, 1971, with the five banks which now hold its outstanding notes. Under the agreement, the participating banks have agreed to lend Great Lakes \$265 million, of which \$243,750,000 will be used to refinance the existing loans from these banks (Holding Company Act Release No. 16565 (December 23, 1969)), as follows:

	Total commitment	Increase in commitment
First National City Bank, New York, N.Y.	\$72,900,000	\$11,100,000
Canadian Imperial Bank of Commerce, New York, N.Y.	69,900,000	10,700,000
The Royal Bank of Canada, New York, N.Y.	69,900,000	10,700,000
Morgan Guaranty Trust Company of New York, N.Y.	29,800,000	
National Bank of Detroit, Mich.	22,500,000	2,500,000
	265,000,000	35,000,000

Of the presently outstanding notes to banks, \$230 million mature December 31, 1971, and bear interest at 1 percent above the prime rate, and \$13,750,000 mature July 1, 1971, and bear interest at 1 3/4 percent above the prime rate. The new notes will mature on December 31, 1973, and will bear interest at the rate of 1 3/4 percent above the prime rate prevailing at First National City Bank, adjusted quarterly. The promissory notes may be prepaid at any time without penalty except from borrowings having less than 5 years' maturity from banks not parties to the agreement. Great Lakes will pay a commitment fee from January 1, 1971, of 3/4 of 1 percent per annum on the average daily unused balance of the additional commitment.

It is stated that the issue and sale of additional common stock for a total of

\$5 million and \$21,250,000 of additional notes are required to enable Great Lakes to finance its 1971 construction program in the amount of \$35 million. Great Lakes has entered into an agreement with Trans-Canada which, following construction of the facilities, will increase Great Lakes' gas transportation service for Trans-Canada from the presently authorized 677,000 Mcf of natural gas per day to 900,000 Mcf per day. The new facilities consist primarily of one new compressor station and additional compression units at nine existing stations. The installation of these facilities and the gas transportation service are subject to authorization by the Federal Power Commission. It is anticipated that the new facilities to be provided for Trans-Canada will be placed in service on or about November 1, 1971.

Great Lakes states that it is not presently in a position to undertake permanent debt financing in view of its reported net losses of \$1,036,790 and \$2,150,519 for the calendar years 1969 and 1970, respectively. Aside from delay due to litigation and increased construction and interest costs, such losses are attributed by Great Lakes to the development rate which Great Lakes charges for the transportation of gas for the account of Trans-Canada from western to eastern Canada through Great Lakes. This rate, which is included in Great Lakes' tariff, was made a condition of the license issued to Trans-Canada by the National Energy Board of Canada, and it expires on October 31, 1971. It is stated that by extending the maturities of the presently outstanding bank loans to December 31, 1973, Great Lakes will have time to obtain required rate relief and to improve sufficiently its earnings to permit permanent debt financing. Under the pending loan agreement, Great Lakes will continue to maintain a compensating balance of 10 percent of the outstanding borrowings. It is stated that major New York banks require compensating balances of 10 percent of the line of credit plus 10 percent of the loans outstanding. At the current prime rate of 5 1/4 percent and assuming borrowing of the full amount, the effective cost of money under the pending loan agreement would be 7.78 percent per year.

It is stated that the fees and expenses in connection with the proposed transactions are estimated at \$11,000, including legal fees of \$10,000. The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of the common stock and notes.

Notice is further given that any interested person may, not later than April 14, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Com-

mission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered That the Recording Secretary of the Commission shall give notice of the pending application by mailing copies of this Notice by certified mail to the Federal Power Commission and the U.S. Department of Justice. Notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice in the FEDERAL REGISTER.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,  
Recording Secretary.

[FR Doc.71-4907 Filed 4-7-71;8:49 am]

[File No. 24W-2981]

#### INTEC, INC.

#### Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MARCH 31, 1971.

I. Intec, Inc. (Intec), 1301 York Road, Lutherville, MD, incorporated in the State of Maryland on December 31, 1969, filed with the Commission on March 12, 1970, a notification on Form 1-A and an offering circular relating to an offering of 60,000 shares of its \$0.10 par value common stock at \$5 per share for an aggregate offering price of \$300,000 for the purpose of obtaining an exemption from the registration provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on the basis of information provided by its staff, has reasonable cause to believe that:

A. The notification and offering circular of Intec, Inc., contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading particularly with respect to:



1. Sales of unregistered securities by Intec in violation of sections 5 and 17 of the Securities Act of 1933;

2. The contingent liability resulting from the sale of unregistered securities in violation of section 5 of the Securities Act of 1933;

3. Finder's fees paid in connection with the sale of unregistered securities by Intec;

B. The terms and conditions of Regulation A have not been complied with in that:

1. Item 10 of Intec's notification did not disclose that it was offering unregistered securities in addition to those covered by its notification.

C. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

ROSALIE F. SCHNEIDER,  
Recording Secretary.

[FR Doc. 71-4908 Filed 4-7-71; 8:49 am]

[811-227]

## ARKANSAS FUND

### Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

APRIL 1, 1971.

Notice is hereby given that The Texas-Arkansas Fund, Inc. (Sponsor), Sponsor of The Arkansas Fund (Fund) c/o The Texas-Arkansas Fund, Inc., 5619 Walnut Hill Lane, Dallas, TX 75229, an invest-

ment company registered under the Investment Company Act of 1940 (Act) as a unit investment trust, has filed an application pursuant to section 8(f) of the Act for an order declaring that Fund has ceased to be an investment company. All interested persons are referred to the representations set forth in the application which are summarized below.

Fund was organized on October 3, 1938, pursuant to a Trust Indenture between Sponsor and The Union National Bank of Little Rock, Ark., as Trustee. Pursuant to an amendment to the Trust Indenture, the Mercantile National Bank of Dallas, was named Successor Trustee. Fund registered with the Commission under the Act on November 1, 1940. It was proposed that Fund's Trust Certificates (Certificates) representing beneficial interests in Fund, would be sold by Sponsor to residents of the State of Arkansas.

A companion trust, The Texas Fund, also a unit investment trust, was created by Sponsor in 1938 to sell comparable certificates to residents of the State of Texas. Subsequent to the registration of Fund and The Texas Fund under the Act, for convenience in administrative and management functions, the two funds were merged on February 15, 1941, and the surviving fund became The Texas-Arkansas Fund. Sponsor represents that Fund's legal existence ceased at the time of the merger. However, Fund's registration under the Act was never terminated. Also, several certificateholders of Fund and of The Texas Fund failed to surrender their certificates for new certificates of The Texas-Arkansas Fund, and accordingly their accounts were serviced by the Sponsor as accounts in their respective original fund.

**Terms of the certificate.** The Trust Indenture dated October 3, 1938, as amended, and the certificates issued thereunder provide for monthly, quarterly, semiannual, annual, or single deposits to the Trustee in multiples of \$5 after a \$10 minimum initial payment, and for the investment by the Trustee of the deposits in shares of common stock of a designated portfolio of 30 companies. Under the certificate, the interest of the investor is deemed matured at the end of 10 years from the date of issuance of the certificate and 30 days prior to such maturity date, the Sponsor is required to advise the investor in writing of his option to liquidate his interest in kind or in cash. In the event of failure of the investor to notify the Sponsor of the choice of liquidation, the Sponsor is authorized to cause the investor's interest to be sold at the market price of the underlying securities with the proceeds therefrom to be retained by the Trustee for a period of 5 years, after which, if there is no demand for the proceeds by the investor, the Trustee is authorized to deliver the funds to the Sponsor. The Certificate further provides for the advertisement by the Sponsor of the fact that such funds have been received by the Sponsor, such advertisement to be published in a newspaper of general circulation in the city of Little Rock, Ark.,

once a week for 4 consecutive weeks and to contain the number, face value of the Certificates, the name of the investor and a statement that unless demand for such funds is made within 90 days from the date of the latest publication, the investor's right to such funds shall be forfeited.

In April 1949, the Sponsor advised all certificateholders of Fund that Fund was being liquidated and called for surrender of all outstanding Certificates in accordance with the terms thereof. By this time, most certificateholders had redeemed their Certificates in accordance with the terms of the Trust Indenture and Certificates and the only remaining accounts outstanding on the books of Fund were certificateholders who were delinquent in their payments. A number of certificateholders who were delinquent in their payments surrendered their Certificates and their accounts were liquidated, nevertheless, as requested. Approximately 25 to 30 certificateholders remained representing approximately \$3,700 of assets, who did not surrender their Certificates for liquidation. The Sponsor continued to attempt to contact certificateholders individually according to their latest addresses on its records and through its salesmen, and as a result of these efforts by July 1969, there remained approximately 24 certificateholders and \$818.03 of assets unredeemed. Pursuant to the terms of the Certificate, the Trustee delivered the remaining funds to the Sponsor and the Sponsor published the required notice of receipt of such funds on July 2, 9, 16, and 23, 1970, in a newspaper of general circulation in Little Rock, Ark. As a result of such notice, one additional certificateholder was paid his liquidation amount. As a result of that liquidation, Fund's assets in the possession of the Sponsor now total \$810.24, and 23 Certificates remain outstanding. Upon issuance of the order requested by this application, Sponsor will comply with Article 3272A of the Civil Statutes of the State of Texas which deals with personal property subject to escheat.

Sponsor represents that it has complied with the terms of the Trust Indenture and the Certificates issued thereunder in the liquidation of Fund's assets and that, other than the payment of certificateholders, there are no liabilities remaining. The remaining assets of Fund will be distributed, after the payment of all costs incurred in connection with this application, in accordance with the escheat laws of the State of Texas, which provide, with respect to inactive or dormant accounts held for more than 7 years and where the depository does not know the whereabouts of the depositors, that during the first month of May following the 7-year period, the depository shall publish once in a newspaper in the city or county where the depository is located a notice of the name and address of the missing depositors. On or before May 1 of the next year, the depository is required to file a report with the Texas State Treasurer, a sum equal to the amount of the accounts listed in the reports.



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, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than April 21, 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 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 The Texas-Arkansas Fund, Inc., 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 thereon 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. 71-4909 Filed 4-7-71; 8:49 am]

[812-2922]

### HUBSHMAN FUND, INC.

#### Notice of Application for Exemption

APRIL 1, 1971.

Notice is hereby given that the Hubshman Fund, Inc. (Fund) Hubshman Management Corp., Louis Hubshman, Jr., 767 Fifth Avenue, New York, NY 10022, a registered open-end, non-diversified, management investment company, Hubshman Management Corp. (HMC), Fund's investment adviser, and Louis Hubshman, Jr. (referred to collectively as Applicants) have filed an application for an exemption from section 17(d) of the Investment Company Act of 1940 (Act), and pursuant to section 17(b) of the Act for an order exempting the transaction described below from the

provisions of section 17(a) of the 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.

Fund and HMC currently share offices at 767 Fifth Avenue, New York, N.Y., and jointly own the office furniture. Fund and HMC propose to sell certain of the furniture for a total price of \$1,098.05 to Applicant Louis Hubshman who is president and chairman of the board of directors of both Fund and HMC. The furniture was purchased on February 17, 1969, for \$2,196.10 of which Fund paid \$1,756.88 and HMC paid \$439.22. Fund and HMC will share the proceeds of the sale in the same proportion as their contributions, with Fund receiving \$878.44 and HMC \$219.61.

Applicants submit that the terms of the transaction, including the compensation to be paid, are fair and reasonable and do not involve overreaching on the part of any person concerned, that the transaction is consistent with the policy of the Fund, and that the transaction is consistent with the general purposes of the Act.

Applicants have obtained an appraisal which indicates that the resale value of the furniture is between 35 percent to 50 percent of its purchase price. Fund and HMC state that based upon their knowledge of the used office furniture market, it is unlikely that the furniture could be sold for more than 50 percent of its original cost, and that it is likely the furniture would bring a resale price of less than 50 percent if the purchaser were someone other than Mr. Hubshman.

Fund and HMC represent that from January 6 to January 19, 1971, advertised daily in the New York Times for prospective purchasers of the furniture. Mr. Hubshman's offer exceeded the other offers received both in total and on a per item basis.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been

granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement, as used in Rule 17d-1 is defined as a written or oral plan, contract, authorization, or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of such person have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking.

Notice is further given that any interested person may, not later than April 23, 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 ECC 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, 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. 71-4910 Filed 4-7-71; 8:49 am]

[811-1663]

### PELHAM CORP.

#### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 31, 1971.

Notice is hereby given that the Pelham Corp. (Applicant) 902 First National



Building, Birmingham, AL 35203, an Alabama corporation, has filed an application pursuant to section 8(f) of the Investment Company Act of 1940 (Act) for an order declaring that it has ceased to be an investment company as defined in 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 was incorporated as "M-H Hardware Company, Inc." on October 30, 1946, and underwent several changes of name. On May 31, 1968, it sold its business and operating assets, and assumed its present name. Applicant registered under the Act as a closed-end investment company on June 3, 1968.

On October 13, 1970, the Board of Directors of Applicant approved an Agreement and Plan of Reorganization dated October 14, 1970, between Applicant and Scudder, Stevens & Clark Balanced Fund, Inc. (Scudder), a Massachusetts corporation registered under the Act as a diversified open-end investment company. The Agreement and Plan of Reorganization, which was approved by vote of two-thirds of the stockholders of Applicant at a special meeting held on December 9, 1970, was consummated on December 30, 1970, and Applicant was dissolved in accordance with Alabama law on December 31, 1970.

Consummation of the Agreement consisted of transfer to Scudder of securities valued on December 29, 1970, at \$2,264,862 and cash in the amount of \$1,572,324 in exchange for 263,543 shares of Scudder stock at their net asset value as of December 29, 1970. Pursuant to the Agreement, 13,177 Scudder shares were delivered into escrow to be held until December 30, 1973, at which time, if no claims are made against said shares under the terms of the Agreement and the Escrow Agreement they will be distributed pro rata to the former stockholders of Applicant. The balance of 250,366 Scudder shares has been or is being distributed pro rata to the holders of Applicant's stock of record as of December 29, 1970, at the rate of 1.2627 Scudder shares for each Applicant's shares held.

The application states that on March 17, 1971, approximately 116 persons holding in the aggregate certificates for approximately 11,115 shares of the stock of Applicant due to be exchanged for shares of the stock of Scudder have not surrendered their certificates. Such holders have been notified by letter dated March 15, 1971, that if Applicant's stock has not been received by the Transfer Agent, The First National Bank of Birmingham (Bank), by March 25, 1971, that Scudder will be instructed to issue the proper number of its shares in the name of the Applicant's stockholders appearing on the transfer books which were closed on December 29, 1970. The address to be recorded on Scudder's records will be the Bank's. When the certificates for Applicant's shares are surrendered to the Bank, it will then release Scudder's shares to the former stockholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a regis-

tered 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 22, 1971, 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 Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by a 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.71-4911 Filed 4-7-71; 8:50 am]

[811-46]

#### TEXAS-ARKANSAS FUND

#### Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 1, 1971.

Notice is hereby given that Texas-Arkansas Fund (Applicant), 5619 Walnut Hill Lane, Dallas, TX 75229, registered under the Investment Company Act of 1940 (Act) as a unit investment trust, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the 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 states it was organized on August 1, 1938, pursuant to a Trust Indenture with Mercantile National Bank at Dallas, Tex., as Trustee, and registered under the Act November 1, 1940. Applicant represents that it has been inactive for the past 20 years; that in 1949

it liquidated its assets and called for a surrender of trust certificates pursuant to the Trust Indenture; that 22 certificates remain unsurrendered; and that its current assets of \$847.24 will be distributed in accordance with the escheat laws of Texas.

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 22, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, 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 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.71-4912 Filed 4-7-71; 8:50 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 26]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 2, 1971.

The following applications are governed by Special Rule 100.247<sup>1</sup> of the

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



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 504 (Sub-No. 96), filed March 8, 1971. Applicant: HARPER MOTOR LINES, INC., Post Office Box 460, Elberton, GA 30635. Applicant's representatives: Frank D. Hall and Guy H. Postell, Suite 714, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to St. Louis, Mo., Detroit, Mich., points in Indiana (except Indianapolis), Illinois (except Chicago), Ohio (except Cincinnati), and those in that part of Wisconsin on and south of U.S. Highway 18. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 531 (Sub-No. 269), filed March 8, 1971. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite and/or storage facilities of Georgia-Pacific Corp., at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of shipments originating at the above-described origins and destined to the above-described destinations. 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 2202 (Sub-No. 390), filed March 2, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Springfield, Mo., and junction U.S. Highways 65 and 40, over U.S. Highway 65 as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points; (2) between Springfield, Mo., and junction U.S. Highways 63 and 40, from Springfield over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. High-

ways 63 and 40, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points and (3) between Springfield, Mo., and junction U.S. Highways 54 and 40, from Springfield over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highways 54 and 40, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, serving no intermediate points. Restriction: The operations requested herein are restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Springfield, Mo., and Memphis, Tenn., and points in their commercial zones. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 391), filed March 15, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 George Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and Douglas W. Faris, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Dodge Manufacturing Corp. (a division of Reliance Electric Co.) located at or near Rogersville, Tenn., as an off-route point in connection with applicant's regular-route authority to and from Knoxville, Tenn., and serving no intermediate points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 2900 (Sub-No. 210), filed March 5, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland (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), (1) between junction U.S. Highway 1 and U.S. Highway 341 (at or near Baxley, Ga.) and junction U.S. Highway 1 and U.S. Highway 221 (at or near Louisville, Ga.), from junction U.S. Highway 1 and U.S.



Highway 341 over U.S. Highway 1 to junction U.S. Highway 221, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's presently held regular route authority; and (2) between Winston-Salem, N.C., and Roanoke, Va. (a) from Winston-Salem over North Carolina Highway 8 to the North Carolina-Virginia State line, thence over Virginia Highway 8 to junction U.S. Highway 221, thence over U.S. Highway 221 to Roanoke, Va., and (b) from Winston-Salem over U.S. Highway 52 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Virginia Highway 311, thence over Virginia Highway 311 to junction Virginia Highway 116, thence over Virginia Highway 116 to Roanoke, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route authority, serving the junction of U.S. Highway 60 and Interstate Highway 77, and the junction of U.S. Highway 11 and Interstate Highway 77 for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Jacksonville, Fla., or Atlanta, Ga.

No. MC 3094 (Sub-No. 19), filed March 11, 1971. Applicant: SERVICE MOTOR FREIGHT, INC., Post Office Box 36, Barrington, NJ 08007. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper products*, from the Parkway Industrial Center in Anne Arundel County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia, under a continuing contract or contracts with International Paper Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, DC.

No. MC 3252 (Sub-No. 72), filed March 11, 1971. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Paper mill rolls*, between Jay, Maine, on the one hand, and, on the other, Kalamazoo, Mich., and Appleton, Wis.; and (b) *lime and limestone*, in bulk, from Winoski and Swanton, Vt., and the ports of entry on the international boundary line between the United States and Canada located in Vermont, New Hampshire, and Maine, to Jay, Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, appli-

cant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 3252 (Sub-No. 73), filed March 5, 1971. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburgh, N.Y., to points in Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 4941 (Sub-No. 32), filed March 11, 1971. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *Synthetic plastic composition*, (2) *facing or floor covering*, and (3) *accessories and supplies* used in the installation thereof, from Lisbon, Maine, to points in New York, New Jersey, Delaware, Ohio, Pennsylvania, Maryland, and Virginia, and (B) *material, equipment, and supplies* used in the manufacture and distribution of commodities described in (A) above, from points in New York, New Jersey, Delaware, Ohio, Pennsylvania, and Virginia to the facilities of Robbins Flooring Co. in Lisbon, Maine. 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 Boston, Mass., or Washington, D.C.

No. MC 11207 (Sub-No. 308), filed March 12, 1971. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: M. Craig Massey, 202 East Walnut Street, Post Office Drawer J, Lakeland, FL 33802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to Birmingham, Ala., and points within 10 miles of Birmingham. NOTE: Applicant states that it will tack with regular-route general commodity authority at Birmingham, Ala. If a hearing is deemed necessary, applicant requests it be held at Tampa Fla., or Washington, D.C.

No. 17803 (Sub-No. 12), filed March 22, 1971. Applicant: PREMIER TRUCKING SERVICE CO., a corporation, 108 Avenue H, Carter Lake, IA. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from

the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa, to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25798 (Sub-No. 222), filed March 5, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fruits and vegetable crystals*, from Lake Wales, Fla., to points in the United States (except Alaska, Alabama, Georgia, Florida, Hawaii, Idaho, Maine, Oregon, Washington, and Oregon). 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 Tampa, Fla., or Washington, D.C.

No. MC 25798 (Sub-No. 223), filed March 8, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, fresh fruit, and fresh vegetables* otherwise exempt from economic regulations under section 203(b)(c) of the Act when transported in mixed shipments with bananas, from points in Manatee and Hillsborough County, Fla., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it can presently perform the authority sought herein by observing a gateway point in North Carolina on and west of U.S. Highway 52. If a hearing is deemed necessary, applicant requests it be held at Tampa, Orlando, or Miami, Fla.

No. MC 26088 (Sub-No. 20), filed March 12, 1971. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 457, Augusta, GA 30903. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Augusta, Ga., to points in Alabama and North Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 29960 (Sub-No. 6), filed March 8, 1971. Applicant: GRESHAM TRANS-



FER, INC., 620 Northeast Kelly, Gresham, OR 97030. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry bulk commodities* (except cement, fertilizer, lime, wood chips, sugar, and animal or poultry feed), between points in Oregon and Washington, and (B) *scrap metals*, from points in Lewis County, Wash., to points in Washington County, Ore. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 30844 (Sub-No. 349), filed March 5, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as above) and Truman A. Stockton, Jr., 1650 Grant Street, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green ground bones*, frozen, inedible, from Jersey City and Newark, N.J., to Allentown, Pa., Cleveland, Ohio, Bloomsburg, Pa., and Crete, Nebr. 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 35835 (Sub-No. 26), filed March 2, 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: *Liquid feed*, from Muscatine, Iowa, to points in Illinois, Indiana, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 36509 (Sub-No. 17), filed March 19, 1971. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, WA 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Minneapolis, Minn., on the one hand, and, on the other, points in Grant, Roberts, Marshall, Day, Brown, Spink, Clark, Beadle, Hand, Sully, Lyman, Brule, Hyde, Hughes, Stanley, Haakon, Meade, Pennington, Lawrence, Butte, Custer, Fall River, Jackson, and Jones Counties, S. Dak., under contract with the Federal Reserve Bank of Minneapolis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 41255 (Sub-No. 77), filed March 2, 1971. Applicant: GLOSSON MOTOR LINES, INC., Hargrave Road, Lexington, NC 27292. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW., Washington DC 20005. 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 North Carolina, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 47791 (Sub-No. 1) (Correction), filed December 30, 1970, published FEDERAL REGISTER, issue of February 4, 1971, corrected in part, and republished as corrected, this issue. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter Street, Blossburg, PA 16912. Applicant's representative: Kenneth R. Davis, 999 Union Street, Blossburg, PA 16912. NOTE: The purpose of this partial republication is to correctly set forth the territorial description to reflect operations in (A) below as follows: *Coal*, from points in Tioga County, Pa., to points in New York. The rest of the application remains the same.

No. MC 50069 (Sub-No. 443), filed March 11, 1971. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 44316. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillate* in bulk, in tank vehicles, from LaGrange, Ind., to Woodhaven, Mich. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 201), filed March 11, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from New Freedom, Pa.; Linwood, High Point, and Beaufort, N.C.; Martinsburg and Huntington, W. Va.; Louisville, Ky.; and New Albany, Ind.; to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with various subs of MC 51146 and with its MC 51146 where feasible, however does not indicate 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. Ap-

plicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 678), filed March 19, 1971. Applicant: ARCO AUTO CARRIERS, INC., 3140 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: *Foreign made motor vehicles*, in secondary movements, via the truckaway method, restricted to traffic having a prior movement by water, rail, or motor carrier, from Kansas City, Mo., to points in Kansas, Missouri, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 59680 (Sub-No. 190), filed March 19, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet or rugs, and carpet or rug cushioning or underlay, rubber and plastic, and rubber and plastic coated materials, and equipment, material, and supplies*, between Columbus, Miss., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, and Texas (on and east of U.S. Highway 83). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Memphis, Tenn., or Washington, D.C.

No. MC 60012 (Sub-No. 86), filed March 10, 1971. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, CO 80221. Applicant's representative: Warren D. Braucher, 450 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Henderson mine and millsite of American Metal Climax, Inc. (AMAX), near Parshall, Colo., as an off-route point in connection with carrier's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 60868 (Sub-No. 13), filed March 4, 1971. Applicant: RUFFALO'S TRUCKING SERVICE, INC., West Pearl Street, Post Office Box 148, Newark, NY. Applicant's representative: Martin R.



Martino, 308 Edmonds Building, 917 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Rushville, Egypt, Fairport, Newark, Lyons, Red Creek Waterloo, and Syracuse, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester or Syracuse, N.Y.

No. MC 61403 (Sub-No. 211), filed March 15, 1971. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, TN 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, NY 10006, and Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plant-site and/or storage facilities of Georgia-Pacific Corp., located at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of shipments originating at the above-described origins and destined to the above-described destinations. 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 61592 (Sub-No. 205), filed March 12, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spring water*, in containers, between Deer Park, Md., and points in the United States in and east of Montana, Wyoming, Colorado, and Arizona; and (2) *glass and plastic containers and other related packaging materials*, from points in the United States in and east of Montana, Wyoming, Colorado, and Arizona, to Deer Park, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 206), filed March 5, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry milk replacer, ingredients, equipment and supplies* used in the manufacture, processing and distribution of the commodities named in (1) and (2), between Muscatine, Iowa, and points in the United States (except Hawaii). NOTE:

Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 207), filed March 12, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Jack Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 20 and 766, except hides and commodities in bulk, from Nampa, Idaho, to points in Minnesota, Illinois, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 61699 (Sub-No. 2), filed March 18, 1971. Applicant: LEWIS FRANK McDONALD, Box 577, Winchester, VA 22601. Applicant's representative: Frank B. Hand, Jr., Post Office Box 81, Winchester, VA 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit packing supplies*, from the plant of Inland Container Corp. at or near Newark, Del., to the plant of Fruit and Produce Packaging Company at Winchester, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64112 (Sub-No. 48), filed March 8, 1971. Applicant: NORTH-EASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 26276, Charlotte, NC 28213. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, except in bulk, from the storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Tennessee, Kentucky, Ohio, Indiana, West Virginia, Maryland, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65224 (Sub-No. 8), filed March 5, 1971. Applicant: HENNIS FREIGHT LINES OF CANADA LIMITED, 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 1086, Jackson-

ville, FL 32233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Cameron, Hidalgo, and Willacy Counties, Tex., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the United States-Canadian boundary line in the States of Michigan and New York, for furtherance to points in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 67118 (Sub-No. 20), filed March 2, 1971. Applicant: STRONG MOTOR LINES, INC., Post Office Box 8821, Richmond, VA 23225. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and facilities of Hygrade Food Products Corp., Philadelphia, Pa., to Baltimore, Md., for the purpose of partial unloading with the balance continuing on to one or more of the destination points embraced in applicant's MC 67118 (Sub-No. 17) permanent authority permit, wherein applicant is authorized to serve points in North Carolina, South Carolina, Virginia, and the District of Columbia, under contract with Hygrade Foods Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 69116 (Sub-No. 133), filed March 19, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from points in Gasconade County, Mo., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, New Hampshire, New Jersey, Ohio, Pennsylvania, Oklahoma, Rhode Island, Tennessee, Virginia, Texas, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74416 (Sub-No. 9), filed March 10, 1971. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, PA 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. Authority sought to operate as a *common*



carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs, frozen foodstuffs, and fresh and frozen mushrooms*, from the plantsite of the Oxford Corp. at Oxford, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 75651 (Sub-No. 69), filed March 1, 1971. Applicant: R. C. MOTOR LINES, INC., 1851 Executive Center Drive, Post Office Box 2501, Jacksonville, FL 32202. Applicant's representative: J. Edward Allen, Post Office Box 1086, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Chattanooga, Tenn., and Chesapeake, Va., exclusive of points in the commercial zone of each, as off-route points in connection with carrier's regular-route authority serving no intermediate points. Restriction: The operations authorized hereinabove to serve Chattanooga, Tenn., are restricted to the transportation of traffic moving from, to, or via Augusta, Savannah, and Atlanta, Ga., Columbia, S.C., or points in North Carolina. The operations authorized hereinabove to serve Chesapeake, Va., are restricted to transportation of traffic moving from, to, or via Newark, N.J., or a New Jersey point within 25 miles of Newark; points in South Carolina or Wilmington, N.C. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 76264 (Sub-No. 27), filed March 12, 1971. Applicant: WEBB TRANSFER LINE, INC., Box 231, U.S. Highway 60 East, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and fiberboard*, from the plantsite of United States Gypsum Corp. at or near Danville, Va., to Springfield, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It holds contract carrier authority under MC 117606, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 82492 (Sub-No. 50), filed March 10, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packing-houses, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., LeMars and Mason City, Iowa, to points in Indiana, Michigan, Ohio, and Covington and Louisville, Ky. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 82492 (Sub-No. 51), filed March 10, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Michigan, to points in Minnesota and to Fargo, N. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 83539 (Sub-No. 314), filed March 11, 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: (1) *Antipollution systems and equipment*; (2) *liquid cooling and vapor condensing systems and equipment*; (3) *environmental control and protective systems and equipment*; (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery, equipment, and materials and supplies* used in the construction, installation, operations and maintenance of the items named in (1), (2), and (3) above between points in the United States (except Hawaii and Maine). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Tulsa, Okla., Kansas City, Mo., or Denver, Colo.

No. MC 83835 (Sub-No. 78), filed March 18, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office

Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Miami, Okla., to points in Alabama, Arkansas, California, Colorado, Connecticut, 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, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla., or Fort Worth, Tex.

No. MC 86913 (Sub-No. 31), filed March 18, 1971. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, NC. Applicant's representative: C. M. Bullock (same address as applicant). 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 Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Vermont. 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 Raleigh, N.C.

No. MC 89765 (Sub-No. 5) (Amendment), filed January 22, 1971, published FEDERAL REGISTER, issue of February 25, 1971, under No. MC 135290, and republished as amended this issue. Applicant: GERALD C. PHELPS, LOREN PHELPS, AND RAY W. PHELPS, a partnership, doing business as PHELPS COAL COMPANY, 502 East 18th Street, Erie, PA 16503. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and materials, equipment, and supplies* used in the manufacture, installation, or application of roofing and building materials (except in bulk, in tank vehicles), between Erie, Pa., on the one hand, and, on the other, points in Ohio (except roofing, tar roofing paper, shingles, and building paper, from Erie, Pa., to points in Ohio, except Cincinnati, Ohio, south and west of a line beginning at the Michigan-Ohio State line approximately 1



mile north of Sylvania, Ohio, and extending along unnumbered highway to Sylvania, thence along Ohio Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to Norwalk, Ohio, thence along U.S. Highway 250 to the Ohio-West Virginia State line). **NOTE:** The purpose of this republication is to show that application has been amended to seek authority to operate as a contract carrier, rather than as a common carrier, the new docket number assigned thereto, and also clarifies the authority requested. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 94350 (Sub-No. 287), filed February 25, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant), and Wilmer B. Hill, 666 11th Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Creek, Pontotoc, and Tulsa Counties, Okla., to points in the United States (excluding Alaska and Hawaii). **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 94842 (Sub-No. 5), filed March 9, 1971. Applicant: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, MA 02150. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Weldments*, from Fitchburg, Mass., 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 Boston, Mass.

No. MC 96803 (Sub-No. 7), filed March 1, 1971. Applicant: PRICHARD TRANSFER, INC., Post Office Box 690, Price, UT. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, (a) from Browning Coal Co. mine near Emery, Utah, to Price and Wellington, Utah; (b) from Browning Coal Co. mine near Emery, Utah, to Salina, Utah; and (c) from Premium Coal Co. mine near Wellington, Utah, to Wellington, Utah, restricted to traffic having a subsequent out-of-State movement. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 99776 (Sub-No. 5), filed March 9, 1971. Applicant: BUCKNER

TRUCKING, INC., 8802 Liberty Road, Houston, TX 77028. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials and supplies used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems;* (1) between points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas; and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., Houston or Dallas, Tex.

No. MC 100449 (Sub-No. 22), filed March 19, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. 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: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans.; Dakota City and West Point, Nebr.; Denison, Fort Dodge, LeMars, and Mason City, Iowa; and Luverne, Minn., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., and destined to the named States. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or Chicago, Ill.

No. MC 103191 (Sub-No. 34), filed March 8, 1971. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, Post Office Box 2095, Station A, Charleston, SC 29403. Applicant's representative: Harris G. Andrews, Post Office Box 4255, Greenville, SC 29608. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Blasting sand*, in bulk, from points in Lexington County, S.C., to points in Tennessee. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 619), filed March 8, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Appli-

cant'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 Chicago, Ill., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies, and equipment* used in the manufacture of (1) above, on return. **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 103993 (Sub-No. 620), 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: *Buildings, building sections, and building panels, parts and accessories*, from points in Sedgewick County, Kans., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that tacking possibilities exists with its Sub No. 21, but it has no present intention of 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 Wichita, Kans.

No. MC 103993 (Sub-No. 624), 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 above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings and sections of buildings*, from Gaston, Durham, Columbus, Wask, and Rutherford Counties, N.C., to points in the United States (except Alaska and Hawaii), and (2) *campers and camp coaches*, in truck-away service, from Rutherford County, N.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 625), filed March 10, 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 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, and *buildings and sections of buildings*, from Rockingham County,



N.H., 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 Manchester, N.H.

No. MC 105045 (Sub-No. 29), filed March 11, 1971. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47708. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Concrete pipe, prestressed beams, precast beams, precast wall panels, prestressed wall panels, hollow core slabs*, (1) from Evansville, Ind., to points in Illinois, Kentucky, and Minnesota, and (2) from Junction City, Ill., and Champaign, Ill., to points in Indiana, Kentucky, and Minnesota. 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 Louisville, Ky., or Washington, D.C.

No. MC 105566 (Sub-No. 28), filed March 8, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63107. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Dwight, Ill., to points in Utah, Nevada, Arizona, California, Oregon, and Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 29), filed March 2, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63107. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses* as described in sections A and C of appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 MCC 209 and 766, from Sioux City, Iowa, to points in North Carolina, South Carolina, Tennessee, Mississippi, Virginia, West Virginia, Georgia, and Alabama. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests

it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105813 (Sub-No. 177), filed March 12, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Alabama, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. Note: Applicant states it presently holds authority to serve the destination States of Alabama, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, direct or by taking its subs 1 and 168. The remaining destination States are being served by interline with affiliated companies. Applicant further states the purpose of instant application is to eliminate the observance of gateways and interlines. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 105813 (Sub-No. 178), filed March 12, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Wichita, Kans., to points in Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and points in the commercial zone thereof as defined by the Commission), restricted to traffic originating at Wichita, Kans. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 105925 (Sub-No. 3), filed March 12, 1971. Applicant: PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, CT 06810. Applicant's representative: Reubin Kaminsky, Post Office Box 17-067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in packages and in containers, in vehicles equipped with mechanical refrigeration, from Syosset, Long Island, N.Y., to points in Connecticut and Hampden County, Mass. 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 Hartford, Conn., or New York, N.Y.

No. MC 106623 (Sub-No. 13), filed February 25, 1971. Applicant: SOUTHWEST OILFIELD TRANSPORTATION COMPANY, a corporation, 602 Service Street, Houston, TX 77009. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Austin and San Antonio, Tex., to Corpus Christi, Freeport, Houston, and Galveston, Tex., on traffic having a subsequent out of State movement. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Dallas, Tex.

No. MC 107012 (Sub-No. 112), filed March 8, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., 4820 New Haven Avenue, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passenger bus seats*, uncrated, from the plantsite of the Flexible Co., at Millersburg, Ohio, to points in the United States (except Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107107 (Sub-No. 409), filed March 3, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, FL 33142. Applicant's representative: Ford W. Sewell (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 Alabama, Arkansas, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Texas, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 107162 (Sub-No. 28), filed March 8, 1971. Applicant: NOBLE GRAHAM, Route No. 1, Brimley, MI 49715. Applicant's representative: Philip H. Porter, 131 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in the



Upper Peninsula of Michigan to the port of entry on the international boundary line between the United States and Canada at Port Huron, Mich.; and (2) *lumber*, from points in Illinois to points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 107295 (Sub-No. 489), filed March 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and cooling systems, equipment, parts, and accessories* thereof, from Pequannock, N.J., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 744), filed March 8, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and 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: *Fruits and vegetable crystals*, from Lake Wales, Fla., to points in Alabama, Georgia, Tennessee, Mississippi, North Carolina, South Carolina, Louisiana, Kentucky, Oklahoma, Texas, Missouri, Ohio, Indiana, Illinois, Arkansas, Michigan, Wisconsin, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107515 (Sub-No. 745), filed March 15, 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, carpet, carpeting, and textile products*, from those points in Georgia at or on and north of U.S. Highway 78 and on and west of U.S. Highway 441 to points in Kansas, Missouri, Iowa, Nebraska, North Dakota, South Dakota, Colorado, and Florida. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing

is deemed necessary, applicant requests it be held at Dalton or Cartersville, Ga.

No. MC 108119 (Sub-No. 29), filed March 8, 1971. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 3303 Sibley Memorial Highway, Post Office Box 3010, St. Paul, MN 55101. 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 irregular routes, transporting: *Mowers, and parts, attachments, and accessories of mowers*, from Ortonville and St. Paul, Minn., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., or Washington, D.C.

No. MC 108380 (Sub-No. 80), filed March 8, 1971. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Post Office Box 100, Newcastle, WY 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) between points in Wyoming, on the one hand, and, on the other, points in Idaho, Nevada, and Utah, and (2) between points in Idaho, Nevada, and Utah. **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 Casper or Cheyenne, Wyo.

No. MC 108449 (Sub-No. 323), filed March 17, 1971. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenberg (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having an immediate prior or subsequent movement over the lines of the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co., between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Wisconsin restricted against the transportation of lime and limestone products, between points in South Dakota; and against the transportation of cement between points in Iowa and South Dakota. **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 ap-

plication may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108884 (Sub-No. 18), filed March 11, 1971. Applicant: ROGERS TRANSFER, INC., Route 46, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen cooked meats*, in vehicles equipped with mechanical refrigeration, from Southborough, Mass., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., points in Bergen, Passaic, Hudson, Essex, Union, Morris, Somerset, Hunterdon, Warren, Middlesex, and Monmouth Counties, N.J., and points in Pennsylvania on and east of U.S. Highway 15. **NOTE:** Applicant states it intends to tack with present or pending authority at New York, N.Y., and/or Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 252), filed March 11, 1971. Applicant: TRI-STATE TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts*, between Windsor County, Vt., on the one hand, and, on the other, points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 128814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 109689 (Sub-No. 222), filed March 25, 1971. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, UT 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude ground clay*, in bulk, from Aurora, Utah to points in California, (2) *corn products*, in bulk, from Railroad sidings in Alameda, Contra Costa, San Joaquin, and Solano Counties, Calif., to points in California north of Interstate 15 and California Highways 58, 119, and 166, and (3) *catalyst*, in bulk, from Casper, Cheyenne, Cody, and Sinclair, Wyo.; Laurel and Billings, Mont., to Salt Lake City, Utah, and points within a 10-mile radius thereof. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Los Angeles, Calif.

No. MC 109708 (Sub-No. 50), filed March 18, 1971. Applicant: INDIAN



RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice*, in bulk, in tank vehicles, from Germantown, N.Y., to Petersburg, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Charlotte, N.C.

No. MC 110063 (Sub-No. 3), filed March 19, 1971. Applicant: WILLIAM MARAUSZWSKI, doing business as BILLY'S TRUCKING, 13 Clarendon Street, Pittsfield, MA 01201. Applicant's representative: Reubin Kaminsky, Post Office Box 17-067, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys*, from Lee, Mass., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts with Kaufman Bros., Inc. NOTE: Applicant holds common carrier authority under MC 115817, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Albany, N.Y.

No. MC 110420 (Sub-No. 631), filed March 3, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products and blends*, dry, in bulk, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 110420 (Sub-No. 633), filed March 15, 1971. Applicant: QUALITY CARRIERS, INC., I-94 and County Highway C, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, cocoa butter, and confectionery coating*, in bulk, from Burlington, Wis., to points in Georgia, Louisiana, Oklahoma, Texas, and Utah. 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 Milwaukee, Wis.

No. MC 110525 (Sub-No. 998), filed March 1, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., 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, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 999), filed March 4, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plantsite of United States Steel Corp. located at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed

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

No. MC 110563 (Sub-No. 60), filed March 12, 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: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the plantsite and storage facilities utilized by Wilson Sinclair Co., located at or near Monmouth, Ill., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110581 (Sub-No. 5), filed March 5, 1971. Applicant: G & H MOTOR FREIGHT LINES, INC., Post Office Box 239, Greenfield, IA 50849. 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 regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Greenfield, Iowa, and Creston, Iowa, serving no intermediate points; from Greenfield over Iowa Highway 25 to Creston, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110988 (Sub-No. 264), filed March 19, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: David E. Petersen (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, and nitrogen fertilizer solutions*, in bulk, in tank or hopper-type vehicles, from Columbus, Ohio, to points in Illinois, Indiana, Michigan, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 265), filed March 19, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same



address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monoisopropylbiphenyl*, liquid, in bulk, in tank vehicles, from the plantsite of Dixie Chemical Co., at or near Baytown, Tex., to the plantsites of the National Cash Register Co. in Dayton, Ohio, and Portage, 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 Washington, D.C.

No. MC 111231 (Sub-No. 171), filed March 18, 1971. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 76764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those in bulk, household goods as defined by the Commission, corpses and commodities requiring special equipment, between Greenville, Miss., and Little Rock, Ark., from Greenville, Miss., over U.S. Highway 82 to its junction U.S. Highway 65, thence over U.S. Highway 65, to Little Rock, Ark., as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo., or Memphis, Tenn.

No. MC 111401 (Sub-No. 322), filed March 10, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite and/or storage facilities of Georgia-Pacific Corp., located at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at above described origins and destined to the above described destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 111729 (Sub-No. 310), filed February 19, 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: *General commodities*, restricted to the transportation of packages or articles weighing in the aggregate no more than 100 pounds, from one consignor to one consignee on any 1 day, (1) between Chicago, Ill., on the one hand, and, on the other, points in Illinois located in and north of Adams, Brown, Christian, Coles, Edgar, Macon, Morgan, Moultrie, and Sangamon Counties; (2) between Chicago, Ill., on the one hand, and, on the

other, points in Clinton, Des Moines, Dubuque, Henry, and Scott Counties, Iowa; and (3) between Chicago, Ill., on the one hand, and, on the other, points in Brown, Calumet, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Kenosha, Kewaunee, Lafayette, Manitowoc, Marathon, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Walworth, Waukesha, Waupaca, Washara, Winnebago, and Wood Counties, Wis. Restricted to traffic having an immediately prior or subsequent movement in interstate or foreign commerce. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111812 (Sub-No. 421), filed March 18, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405 1/2 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: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Kansas City, Kans., to points in Montana, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 111940 (Sub-No. 51), filed March 19, 1971. Applicant: SMITH'S TRUCK LINES, Post Office Box 88, Muncy, PA 17756. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled transporters*, not self-propelled, and *parts of wheeled transporters*, between Williamsport, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed neces-

sary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub-No. 45), filed March 18, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and aluminum articles*, (1) from Eminence, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Michigan, Mississippi, Missouri, Ohio, and Tennessee; and (2) from points in Shelby County, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that tacking possibilities exist with applicant's Sub 1 "size and weight" authority although tacking operations are not intended at this time. 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 112520 (Sub-No. 238), filed March 15, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin solution*, in bulk, in tank vehicles, from points in Appling County, Ga., to points in Arkansas, Ohio, and Indiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 239), filed March 24, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Sumter County, Ga., to points in Florida and Alabama. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112582 (Sub-No. 36), filed March 22, 1971. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, PA 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA



17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Greenville and Fountain Inn, S.C., to points in Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont, Maine, and the District of Columbia, and *return of refused or rejected shipments of frozen foods* from the above destinations to the above origins. 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 Greenville, S.C.

No. MC 112822 (Sub-No. 186), filed March 4, 1971. Applicant: BRAY LINES, INCORPORATED, Post Office Box 1191 (1401 North Little Street), Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the Port of Catoosa, Okla., to points in Kansas, Oklahoma, and that part of Texas on and north of U.S. Highway 82. 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 Oklahoma City, Okla., or Kansas City, Mo.

No. MC 112822 (Sub-No. 187), filed March 18, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Omaha, Nebr., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that there are tacking possibilities, however, none is intended at this time. 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 Philadelphia, Pa., or Washington, D.C.

No. 113434 (Sub-No. 45), filed March 1, 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: *Processed foodstuffs*, from points in Grand Traverse and Benzie Counties, Mich., to points in Indiana,

Kentucky, and Illinois (except Chicago). 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 113843 (Sub-No. 166), filed March 8, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson-Sinclair Co. at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: The services proposed herein are restricted to the transportation of traffic originating at the above named origin points and destined to the above named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 235), filed March 1, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems; parts and accessories* for same, from Kankakee and Eureka, Ill., and Elkhorn, Wis., to points in Alaska, Arizona, California, Idaho, Nevada, Oregon, Washington, Minnesota, South Dakota, North Dakota, Montana, Wyoming, and Utah. 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 11385 (Sub-No. 237), filed March 8, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester MN 55901. Applicant's representative: Alan Foss, 502 First National National Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mowers, and parts, attachments and accessories* of mowers, from Ortonville and St. Paul, Minn., 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 Minneapolis, Minn.

No. MC 114004 (Sub-No. 95), filed March 3, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8823 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Marion, Iowa, to points in Minnesota, Illinois, Nebraska, Wisconsin, North Dakota, South Dakota, Kansas, Missouri, Arkansas, Tennessee, Kentucky, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114004 (Sub-No. 96), filed March 2, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8823 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (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 Chickasaw County, Miss., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114004 (Sub-No. 97), filed March 12, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8823 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on wheeled undercarriages, with hitchball connectors, in initial movements, from points in Douglas County, Kans., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 114457 (Sub-No. 98), filed March 1, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Pine Bluff, Ark., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Michigan, Wisconsin, Illinois, Indiana, Ohio, New York,



and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Little Rock, Ark.

No. MC 115322 (Sub-No. 84), filed March 5, 1971. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, FL 32771. Applicant's representatives: J. V. McCoy, Post Office Box 426, Tampa, FL 33601, and M. Craig Massey, Post Office Drawer J, Lakeland, FL 33802. 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 Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. 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 Tampa, Fla., or Washington, D.C.

No. MC 115496 (Sub-No. 13), filed March 11, 1971. Applicant: LUMBER TRANSPORT, INC., Whipple Street, Box 111, Cochran, GA 31014. Applicant's representative: James L. Flemister, 1300 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Georgia on the one hand, and, on the other hand, points in North Carolina, South Carolina, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115614 (Sub-No. 2), filed March 18, 1971. Applicant: MELVIN MORGAN, doing business as MORGAN BROTHERS, 1429 Ridgeroad, Shelton, WA 98584. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building board*, from Shelton, Wash., to Aberdeen, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 115826 (Sub-No. 215), 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 D. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, floor coverings, carpeting, and rugs*, from points in North Carolina,

South Carolina, Georgia, and Tennessee, to points in Arkansas, Texas, Missouri, Oklahoma, Louisiana, and Kansas. 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., Little Rock, Ark., or Dallas, Tex.

No. MC 116273 (Sub-No. 136) (Correction), filed February 25, 1971, published in the FEDERAL REGISTER issue of March 25, 1971, and republished in part, as corrected, this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 116273 in lieu of MC 116173, published in previous publication. The rest of the application remains as previously published.

No. MC 116273 (Sub-No. 137), filed March 11, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* in bulk, from La Salle, Ill. to points in Indiana and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 138), filed March 11, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, in bulk and (2) *petroleum and petroleum products*, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116544 (Sub-No. 122), filed March 2, 1971. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Post Office Box 636, Carthage, MO 64836. Applicant's

representative: Robert Wilson (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 Missouri, Kansas, Iowa, Oklahoma, Nebraska, Arizona, California, Colorado, Nevada, New Mexico, Utah, Montana, Wyoming, Louisiana, Mississippi, Texas, Arkansas, North Dakota, South Dakota, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 116544 (Sub-No. 123), filed March 5, 1971. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Holton, Kans., to points in Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, 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 Kansas City, Mo.

No. MC 116544 (Sub-No. 124), filed March 15, 1971. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Carthage, Mo., to points in Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Carthage, Mo., so as to permit a through service from points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116763 (Sub-No. 189), filed March 3, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to Tyler, Tex., and points in that part of Texas bounded on the south by a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 80 to Fort Worth,



Tex., and bounded on the west by a line beginning at Fort Worth, Tex., and extending in a northerly direction along Interstate Highway 35W to Denton, Tex., and thence in a northerly direction along Interstate Highway 35 to the Texas-Oklahoma State line, including points on the indicated portions of the highways specified, Arkansas, Illinois, Indiana, Iowa, Kentucky (except Owensboro, Ky.), Louisiana on and north of U.S. Highway 80, Maine, Lower Peninsula of Michigan, Minnesota, Mississippi on and north of U.S. Highway 80, Missouri, New Hampshire, Ohio, Tennessee, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., and Washington, D.C.

No. MC 116763 (Sub-No. 190), filed March 3, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by Tropicana Products Sales, Inc., from Bradenton, Fla., to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Florida).* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116947 (Sub-No. 16), filed February 24, 1971. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street, Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Containers, container ends, closures, lacquer in drums, decorated tin plate in sheets, and plastic, between Atlanta, Ga., Bartow, Fla., Birmingham, Ala., Fort Worth, Tex., Spartanburg, S.C., Skyland, N.C., Mundelein, Ill., Okmulgee, Okla., Greenville, Tenn., Chicago, Ill., and points in Orange County, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Missouri, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia, under contract with Ball Brothers Co., Inc., and Crown Cork & Seal Co., Inc.* NOTE: Applicant holds common carrier authority under MC 117956 and subs, therefore common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117072 (Sub-No. 3), filed March 5, 1971. Applicant: ARMORED TRANSPORT, INC., 1130 South Flower Street, Los Angeles, CA 90015. Applicant's

representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Business records, audit media, tabulation cards, data processing materials, checks, drafts, securities and transit items, between Reno, Nev., on the one hand, and, on the other, points on those portions of Nevada Highway 28, U.S. Highway 50, and California Highways 89 and 28 in Nevada and California which embrace Lake Tahoe.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno or Carson City, Nev.

No. MC 117165 (Sub-No. 35) (Correction), filed February 16, 1971, published in the FEDERAL REGISTER, issue of March 18, 1971, and republished in part as corrected this issue. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, MI 48880. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. The sole purpose of this partial republication is to correct the spelling of Alpena, Mich., which appeared in the FEDERAL REGISTER as Alpen, Mich., in error. The rest of the application remains as previously published.

No. MC 117574 (Sub-No. 198), filed March 4, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as above) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glass, packaged or unpackaged, which because of size or weight require the use of special equipment, and (2) glass, in packages, which because of size or weight, does not require the use of special equipment, when moving in the same shipment as the articles in (1) above, from Cumberland, Md., to points in the United States (except Alaska and Hawaii); and from points in the United States (except Alaska and Hawaii) to Cumberland, Md.* 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. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 151), filed March 2, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products,*

*meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities of Aurora Packing Co. at North Aurora, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the above origin and destined to the named destinations.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 44), filed March 8, 1971. Applicant: NATION-WIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. 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: *Floor coverings, stair treads, wall tile, counter top coverings, and moulding, and materials and supplies used in the installation, maintenance, and repair of the commodities described above, from Danbury, New London, and West Haven, Conn.; Boston, Cambridge, Lowell, and Norwood, Mass.; Lisbon, Maine; Newark, Salem, and Trenton, N.J.; Newburgh and New York, N.Y.; Akron, Fostoria, and Middlefield, Ohio; and Chicago, Ill., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized.* NOTE: Applicant holds contract carrier authority under No. MC 114789 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to convert applicant's permit under MC 114789 (Sub-No. 16), which is identical with the above requested authority, to a certificate. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119493 (Sub-No. 67), filed March 1, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, MO 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building materials, and supplies (except liquid in tank vehicles) and pallets and supplies, on return, from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas; and (2) roofing asphalt, in containers (except in tank vehicles), and pallets and empty containers, on return, from Kansas City, Mo., to points in Iowa, Nebraska, Kansas, Oklahoma, and Arkansas.* 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 119619 (Sub-No. 45), filed March 5, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chicago, and Deerfield, Ill., to points in Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restricted to operations from the plantsite and facilities utilized by Kitchens of Sara Lee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 46), filed March 5, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, Nebr., and Cherokee, Iowa, to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, New Jersey, Maryland, Delaware, District of Columbia, Virginia, West Virginia, and Rhode Island, restricted to traffic originating at the plantsite or warehouse facility of Wilson Certified Foods. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 47), filed March 5, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Chicago, Ill., and points in its commercial zone, to points in Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119669 (Sub-No. 19), filed March 4, 1971. Applicant: TEMPCO

TRANSPORTATION, INC., 546 South 31 A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Certified Foods, Inc., located at or near Omaha, Nebr., and Cherokee, Iowa, to points in Kentucky, North Carolina, South Carolina, Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119669 (Sub-No. 21), filed March 9, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31 A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Wilson Certified Foods, Inc., at or near Omaha, Nebr., and Cherokee, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 206), filed March 1, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel wire, cable, strand and spirals*, from Jacksonville, Fla., to points in the United States (including Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Common control may also 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 Tampa and Miami, Fla., or Louisville, Ky.

No. MC 121281 (Sub-No. 4), filed March 19, 1971. Applicant: BIG MAC

TRUCKING CO., a corporation, 1335 Boyles Street, Post Office Box 15454, Houston, TX 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, including *plywood*, from Houston, Tex., to 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 Houston or Dallas, Tex.

No. MC 123383 (Sub-No. 54), filed March 10, 1971. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, NJ 08103. Applicant's representative: Thomas E. Kiley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material, supplies and equipment, and such commodities as are dealt in by wholesale and retail hardware stores; and accessories used in the manufacture and furnishing of mobile homes (except commodities in bulk)* restricted to that freight having prior ocean transportation and moving via piers and facilities utilized by Evans Products Co., from points in Camden County, N.J., and Norfolk, Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Camden, N.J., or Philadelphia, Pa.

No. MC 123405 (Sub-No. 27), filed March 4, 1971. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, PA 17405. 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: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in New York, New Jersey, Maryland, Pennsylvania (except Philadelphia), Ohio, Delaware, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 123407 (Sub-No. 79), filed March 8, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, building materials, and*



materials and accessories used in the installation thereof; (1) from points in Pennsylvania, Michigan, Ohio, Illinois, and Indiana to Freeport, Ill.; and (2) between Jo Daviess County, Ill., on the one hand, and points in Pennsylvania, Ohio, Michigan, Illinois, and Indiana on the other hand. NOTE: Common control may be involved. Applicant proposes to tack at Warren, Ill., to serve the States of Minnesota, South Dakota, Nebraska, Kansas, and at Freeport, Ill., to serve Wisconsin. Applicant seeks duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124170 (Sub-No. 21), filed March 8, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from the plantsite of Awrey Bakeries, Inc., at Livonia, Mich., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at either Detroit, Mich., Lansing, Mich., or Washington, D.C.

No. MC 124211 (Sub-No. 179), filed March 10, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, glass bottles and containers, and caps and closures for glass bottles and containers*, between Minneapolis, Minn., and points in the commercial zone thereof, on the one hand, and, on the other, Omaha, Nebr., and points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 181) filed March 17, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, motor vehicle parts, supplies, and accessories*, from points in

California to points in the United States on and east of U.S. Highway 83. NOTE: Applicant states that tacking is not feasible due to circuitry involved and destinations authorized in Subs Nos. 114 and 141 are herein sought to be served. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124617 (Sub-No. 2), filed March 8, 1971. Applicant: ALLEN CLARK, Box 26, Etna, WY. Applicant's representative: Macoy A. McMurray, 500 Kennecott Building, 10 East South Temple, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Lincoln County, Wyo., to points in Cache, Box, Elder, Weber, Morgan, Davis, Summit, Wasatch, Salt Lake, Tooele, Utah, Juab, and Carbon Counties, Utah, to points in all of those counties in Idaho lying south of the south boundaries of Adams, Valley, and Lehm Counties, under contract with Star Studs, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 125521 (Sub-No. 13), filed March 10, 1971. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, OH 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Bend, Ind., to Tiffin, Ohio, and from Milwaukee, Wis., to Tiffin, Ohio, and on return trips, *empty containers or other such incidental facilities* used in transporting such commodities, under contract with the Tiffin Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., or Detroit, Mich.

No. MC 125777 (Sub-No. 136), filed March 12, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, ores, silicon metal, scrap metal, scrap steel shapes, pig iron, manganese metal, and lime*, in dump vehicles, (a) between Mason County, W. Va., and Jefferson and Guernsey Counties, Ohio, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, New Mexico, Colorado, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Minnesota, Arkansas, Louisiana, Mississippi, and Florida, (b) between Lee County, Iowa, and Knox and Humphreys Counties, Tenn., on the

one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (2) *alloys, ores, silicon metals, scrap metals, scrap steel shapes, pig iron, coke, limestone, lime, and clay*, in dump vehicles, between points in Marion County, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125826 (Sub-No. 8), filed March 11, 1971. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, NJ 08069. 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: *Liquefied carbon dioxide* moving in shipper-owned trailers and *solidified carbon dioxide*, from the plantsite of Cardox Division of Chemetron Corp., Delaware City, Del., to points in Ohio, West Virginia, District of Columbia, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, and Massachusetts, under contract with Cardox Division of Chemetron Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126183 (Sub-No. 3), filed March 11, 1971. Applicant: BOWERS TRANSFER & STORAGE CO., a corporation, 2062 Blake Street, Denver, CO 80205. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Uncrated irrigation systems, pumps, filters; components, parts, and accessories*, transported in connection therewith, (b) *plastic pipe, iron and steel, and steel articles*, from Denver, Colo., to points in Arizona, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, restricted against the transportation of fabricated steel articles from Denver, Colo., to points in New Mexico north of U.S. Highway 66; (2) *printing machines, industrial machines, office machines, and machines of all kinds, all uncrated and related parts, components and accessories* transported in connection with the machines, between points in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, restricted against service between points within each of the following States: Arizona, Montana, North Dakota, Oklahoma, South Dakota, Texas, and Utah; (3) *construction machinery and equipment, plant equipment, compressors, jacks, hammers and rollers, mining and milling machines, and components, parts, and accessories thereof*,



when transported therewith, between points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, restricted against service between points within each of the above States, other than Colorado; and (4) restrictions: Paragraphs 1, 2, and 3 are restricted: (1) Against the transportation of any commodities falling within the category of those described in *Mercer Ext.—Oil Field Commodities*, 74 M.C.C. 459 (1946); and (2) to those commodities which on account of size or weight require the use of special equipment, when moving between points in Colorado on the one hand, and, on the other hand, (a) points in Utah, (b) points in Jackson County; those in Grand County on and south of U.S. Highway 40; points on U.S. Highway 40 between Empire and Kremmling, including Empire and Kremmling; points on U.S. Highway 34 between Granby and Grand Lake, including Grand Lake and points on Colorado Highway 125, all in Colorado, and (c) points in Wyoming located on Wyoming Highway 230 from Laramie to the Colorado-Wyoming State line, including Laramie and the off-route point of Fox Park. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126272 (Sub-No. 42), filed February 24, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60363. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Containers, container ends, closures, lacquer in drums, decorated tin plate in sheets, and sheet plastic*, between Atlanta, Ga., Bartown, Fla., Birmingham, Ala., Fort Worth, Tex., Spartanburg, S.C., Skyland, N.C., Mundelein, Ill., Okmulgee, Okla., Greeneville, Tenn., Chicago, Ill., and points in Orange County, Fla., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Missouri, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia, under contract with Crown Cork & Seal Co., Inc., and Ball Corp. NOTE: Applicant has common carrier authority pending under MC 134612. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126899 (Sub-No. 45), filed March 12, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising material, and empty malt containers on return*, from Cincinnati, Ohio,

to points in Kentucky, West Virginia, the Lower Peninsula of Michigan, and Indiana. 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 Cincinnati, Ohio, or Louisville, Ky.

No. MC 127042 (Sub-No. 75), filed March 11, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (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 defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk); from the plantsite and storage facilities utilized by Beefland International Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Arizona, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nevada, Oregon, Utah, Washington, and Wisconsin. Restriction: 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 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 Omaha, Nebr., or Kansas City, Mo.

No. MC 127042 (Sub-No. 77), filed March 12, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 208 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Aristo Kansas Meat Packers, Inc., at or near Holton, Kans., to points in Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through

tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 128021 (Sub-No. 7), filed March 12, 1971. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron oxide* (except in bulk), between points in Lee County, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Orrox Corp. (of Opelika, Ala.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128285 (Sub-No. 7), filed March 12, 1971. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, Portland, OR 97217. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cedar shakes, shingles, and hip ridge*, from Cathlamet and Longview, Wash., and Portland, Oreg., to points in California, and Washoe, Storey, Lyon, Ormsby, and Douglas Counties, Nev., under continuing contract with Moclips Cedar Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128343 (Sub-No. 16), filed March 17, 1971. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies* used in the manufacture and distribution thereof, from North Smithfield, R.I., to points in Michigan, under contract with the Tupperware Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128543 (Sub-No. 5), filed March 15, 1971. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, shapes, forms and strips*, from Carrollton, Ky., and points in its commercial zone to points in the United States (except Hawaii), under contract with Allied Tube & Conduit Corp. NOTE: If a hearing is deemed



necessary, applicant requests it be held at Chicago, Ill.

No. MC 128879 (Sub-No. 15), filed February 22, 1971. Applicant: C-B TRUCK LINES, INC., Post Office Box 1774, Clovis, NM 88101. Applicant's representative: Jerry R. Murphy, 708 La Veta NE., Albuquerque, NM 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore*, between El Paso, Tex., and Socorro, N. Mex., on the one hand, and, on the other, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Washington, and Wyoming (except from Deming, N. Mex., to El Paso, Tex.). 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 El Paso, Tex., or Albuquerque, N. Mex.

No. MC 133022 (Sub-No. 2), filed March 8, 1971. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, Little Rock, AR 72202. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable shipping containers*, from Little Rock, Ark., to points in Texas west and north of a line beginning at the junction of U.S. Highways 377 and 90 just north of Del Rio and extending along U.S. Highway 377 to junction with Interstate Highway 35, thence along Interstate Highway 35 to Texas-Oklahoma State line and on and east of a line beginning at the junction of U.S. Highways 377 and 90 just north of Del Rio and extending along U.S. Highway 90 to junction with U.S. Highway 285, thence along U.S. Highway 285 to Texas-New Mexico State line, under contract with Little Rock Crate and Basket Co. NOTE: Applicant holds common carrier authority under MC 118016, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133106 (Sub-No. 7), filed March 8, 1971. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street (Box 13578), Liberal, KS 67901. Applicant's representative: Duane W. Acklie, 521 South 14th Street (Post Office Box 80806), Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by International Telephone & Telegraph and its divisions and subsidiaries, and *materials, equipment, and supplies* used in the conduct of such business including, but not limited to, wire, electric cord sets, and power supply cords, from Boston, Clinton, and Worcester, Mass., Pawtucket, Providence, Rumford, and Cranston, R.I., Stamford, Conn., New York, N.Y., and Jersey City, Midland Park, and Newark, N.J., to Chicago, Elk Grove Village, and Morton Grove, Ill., and Cleveland, Ohio, under continuing

contract with International Telephone & Telegraph and its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 133228 (Sub-No. 4), filed March 8, 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: *Lumber*, from points in Arizona, Colorado, and New Mexico to points in that part of Texas east of U.S. Highway 75 (and Interstate Highway 45) with the operations authorized to be performed under a continuing contract, or contracts, with George C. Vaughan & Sons, San Antonio, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 133233 (Sub-No. 16), filed March 16, 1971. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, Post Office Box 831, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from points in Iowa to points in Montana, South Dakota, Utah, Idaho, and Wyoming, under contract with Cargill, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 133259 (Sub-No. 4), filed March 15, 1971. Applicant: ALLIED AIR FREIGHT CORPORATION, Municipal Airport, Burlington, VT 05401. Applicant's representatives: Francis E. Barrett and Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and 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), Part (A) Irregular routes: Between points in Addison, Chittenden, Caledonia, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties, Vt., on the one hand, and, on the other, Albany County Airport, Albany, N.Y., restricted to traffic having a prior or subsequent movement by air. Part (B) regular routes: (1) Between Burlington and Highgate Center, Vt., from Burlington over U.S. Highway 7 to Winooski, thence over U.S. Highway 7 to Colchester (also over Vermont Highway 15 to Essex Junction, thence over Vermont Highway 2A to Colchester), thence over U.S. Highway 7 to Swanton, thence over Vermont Highway 78 to Highgate Center, and return over the same route, serving Winooski, Colchester, Milton, Georgia, St. Albans City,

St. Albans Town, Swanton, Highgate Falls and Essex Junction; (2) between Highgate Center and Fairfield Vt., from Highgate Center over Vermont Highway 78 to Sheldon Junction, thence over unnumbered highway to Fairfield, and return over the same routes, serving East Highgate, Sheldon Springs, and Sheldon Junction; (3) between North Sheldon and East Franklin, Vt., over Vermont Highway 120, serving Franklin; (4) between St. Albans and Richford, Vt., over Vermont Highway 105, serving Sheldon Springs, East Highgate, Sheldon Junction, North Sheldon, Enosburg Falls, and East Berkshire; (5) between St. Albans and East Franklin, Vt., from St. Albans over Vermont Highway 36 to Bakersfield, thence over Vermont Highway 108 to West Berkshire, thence over Vermont Highway 120 to East Franklin, and return over the same route, serving Fairfield, East Fairfield, Bakersfield, West Enosburg, Enosburg Falls; (6) between West Berkshire and Montgomery Center, Vt., from West Berkshire over unnumbered highway to Vermont Highway 118 at East Berkshire, thence over Vermont Highway 118 to Montgomery Center and return over the same route, serving Berkshire, East Berkshire and Montgomery; and (7) between Burlington and St. Albans, Vt., from Burlington over Vermont Highway 15 to Essex Junction, thence over Vermont Highway 128 to junction Vermont Highway 104, thence over Vermont Highway 104 to St. Albans (also from junction Vermont Highway 128 and 104 over Vermont Highway 104A to U.S. Highway 7, thence over U.S. Highway 7 to St. Albans), and return over the same routes, serving Essex Junction, Westford, and Fairfax. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

No. MC 133368 (Sub-No. 2), filed March 16, 1971. Applicant: WILLIAM A. TONYES, 75 Woodbury Road, Hauppauge, NY 11787. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookware, electrical appliances, and flatware*, from Hauppauge, N.Y., to points in Connecticut and New Jersey, under contract with Century Metalcraft Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133436 (Sub-No. 6), filed March 8, 1971. Applicant: DUDDEN ELEVATOR, INC., 121 East 2d Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, Post Office Box 60, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat byproducts and inedible articles distributed by meat packinghouses and articles dealt in by Wellens & Co., Inc.*, between points in Arizona, Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming, and Colorado. NOTE:



If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Lincoln, Nebr.

No. MC 133652 (Sub-No. 3), filed March 11, 1971. Applicant: WINKOMA, INC., Hospers, IA 51238. Applicant's representative: R. L. Wright, Post Office Box 6067, Madison, WI 53716. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Green Bay and LaCrosse, Wis., and Clinton, Iowa, to points in Colorado, Iowa, Nebraska, Kansas, Missouri, and North Dakota. Traffic from Clinton, Iowa, restricted to traffic stopped to complete loading. 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., or Chicago, Ill.

No. MC 133666 (Sub-No. 4), filed March 3, 1971. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, MN 56296. Applicant's representative: George R. Watson, 6808 Normandale Road, Edina, MN 55435. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial fuel oils, road oils, and asphalt*, in bulk, in tank vehicles, from Superior, Wis., to points in Minnesota, including road and highway work sites. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133811 (Sub-No. 2), filed March 4, 1971. Applicant: H. E. McCONNELL AND H. E. McCONNELL, JR., a partnership, doing business as, H. E. McCONNELL & SON, 5117½ East Broadway, North Little Rock, AR 72117. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium slag*, in bulk, in dump vehicles, from points on the Arkansas River, located in Pulaski County, Ark., to the plantsite of Union Carbide Mining & Metal Division near Hot Springs, Ark. 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 133812 (Sub-No. 2), filed March 9, 1971. Applicant: LEON OLSEN, ALBERT OLSEN AND WILLIAM OLSEN, a partnership, doing business as LEON OLSEN TRUCKING COMPANY, 900 Wisconsin Street, Pine Bluff, AR 71601. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium slag*, in bulk, in dump vehicles, from points on the Arkansas River located in Pulaski County, Ark., to the plantsite of Union Carbide Mining &

Metals Division, located at or near Hot Springs, Ark. 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 133818 (Sub-No. 1), filed March 5, 1971. Applicant: CLEMANS BROTHERS, INC., Box 46, North Walnut Street, Marysville, OH 43040. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment* (except telephone switchboards), between Philadelphia, Pa.; Bellmawr, N.J.; and Chicago, Ill., on the one hand, and, on the other, Atlanta and Tucker, Ga.; (2) *electrical equipment* (except telephone switchboards), from Roebuck, S.C., to Bellmawr, N.J.; Philadelphia, Pa.; and Bellefontaine, Marysville, and Urbana, Ohio; (3) *insulating fibre*, from Franklin, Ind., to Bellefontaine, Marysville, and Urbana, Ohio; and (4) *insulating material*, from Spencer, Ind., to Bellefontaine, Marysville, and Urbana, Ohio, under contract with I. T. E. Imperial Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133937 (Sub-No. 8), filed March 19, 1971. Applicant: CAROLINA CARTAGE COMPANY, INC., Post Office Box 1075, Airport Road, Greenville, SC 29602. Applicant's representative: H. P. Willimon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, between airports at or near Atlanta, Ga., and Charlotte, N.C., and airports at or near Baltimore, Md., Chicago, Ill., Cleveland, Ohio, Columbus, Ohio, Dallas and Fort Worth, Tex., District of Columbia, Detroit, Mich., Indianapolis, Ind., Louisville, Ky., Milwaukee, Wis., New Orleans, La., St. Louis, Mo., and Philadelphia, Pa. 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 Charlotte, N.C., Columbia, S.C., or Atlanta, Ga.

No. 134063 (Sub-No. 3), filed March 5, 1971. Applicant: FRANK R. CHULLINO, doing business as MIDWEST TRANSPORTATION CO., 2802 Avenue B, Council Bluffs, IA 51501. Applicant's representatives: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501 and Einar Viren, 904 City National Bank Building, Omaha, NE. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except malt beverages) in containers, from points in New York, Indiana, Pennsylvania, Illinois, Ohio, Michigan, Kentucky, Massachusetts, New Jersey, Mary-

land, Connecticut, and Missouri to Omaha, Nebr. NOTE: Applicant holds contract carrier authority under MC 129574 and Sub 1, 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 Omaha, Nebr.

No. MC 134110 (Sub-No. 1), filed March 8, 1971. Applicant: ROBERT POWERS and RONALD POWERS, a partnership, doing business as R & R POWERS, Box 7, Denham, IN 46925. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, IN 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molds or rings, hot top, plate or sheet*, from North Judson, Ind., to Chicago, Ill., (2) *steel plate or sheet*, from North Judson, Ind., to Chicago, Ill., and Milwaukee, Wis.; and (3) *sawdust*, from Birmingham and Gadsden, Ala., and from the site of the sawmill of J. Ruby, Inc., at or near Canton, Ohio, to North Judson, Ind., to Chicago, Ill. and Milwaukee, Wis., and from Birmingham and Gadsden, Ala., and from the sawmill site of J. Ruby, Inc., to North Judson, Ind. NOTE: Applicant states that it does not intend to tack though parts of present authority could be tacked at North Judson with authority granted from Gadsden and Birmingham, Ala., and Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 134323 (Sub-No. 14), filed March 8, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Donald Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plantsite and facilities of Missouri Beef Packers, Inc., located at or near Rockport, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under continuing contract with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Omaha, Nebr.

No. MC 134647 (Sub-No. 1), filed March 5, 1971. Applicant: MILDRED MAZZA, doing business as SHEPARD TRANSPORTATION CO., 615 Avenue L, Brooklyn, NY 11230. Applicant's representative: Mildred Mazza (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishings, furniture and gift-ware*, from points in the New York, N.Y., harbor as defined by the Commission (New York, N.Y., commercial zone), to



Westbury and New Cassel, N.Y., restricted to shipments having an immediate prior movement by water, under contract with Ireb Import-Export, of Westbury, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134696 (Sub-No. 1), filed March 5, 1971. Applicant: BEAR CAT, INC., 1750 Homedale Road, Klamath Falls, OR 97601. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oil, petroleum fuels, and cutter stock*, between points in Jackson and Klamath Counties, Oreg., on the one hand, and on the other, points in Modoc, Siskiyou, Del Norte, Lassen, Shasta, Trinity, Humboldt, and Contra Costa Counties, Calif., and Curry County, Oreg., under contract with Golden Bear Division, Witco Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 134716 (Sub-No. 3), filed March 19, 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, under contract with Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Atlanta, Ga.

No. MC 134821 (Sub-No. 2) filed March 1, 1971. Applicant: DONALD L. DROSTE, doing business as DROSTE TRUCKING, 1004 West Carroll Street, Portage, WI 53901. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal water controlgates, metal sheets and pilings, metal cattle passes, metal guard rails, corrugated metal pipe and fittings, and commodities* used in the installation of such articles, (1) from Portage, Wis., to points in Illinois north of a line beginning at the Indiana State line and extending westward along U.S. Highway 24 to Peoria, thence along Illinois Highway 116 to its junction with U.S. Highway 34, and thence along U.S. Highway 34 to the Iowa State line, points in Iowa on and east of U.S. Highway 63, and those in the Upper Peninsula of Michigan; and (2) between South Bend, Ind., Minneapolis, Minn., and Portage, Wis., under contract with Armco Steel Corp., and restricted to traffic originating at the plantsites of Armco Steel Corp. NOTE: If a hearing is deemed necessary, applicant

requests it be held at Madison or Milwaukee, Wis.

No. MC 135106 (Sub-No. 2), filed March 8, 1971. Applicant: D. DONNELLY LIMITED, a corporation, 191 Murray Street, Montreal 3, PQ, Canada. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, NY 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from ports of entry on the international boundary line between the United States and Canada at or near Champlain and Trout River, N.Y., to Albany, Alsen, Catskill, Cementon, Glens Falls, Howes Cave, Hudson, Jamesville, Kingston, Ravena, and Troy, N.Y., under contract with Canadian Refractories Ltd. NOTE: Applicant now holds common carrier authority under its No. MC 127577 (Sub-No. 2), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y.

No. MC 135141 (Sub-No. 1), filed February 22, 1971. Applicant: H & H EXPEDITING SERVICE, INC., 7076 Ruskin Lane, Upper Darby, PA 19082. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except high explosives, household goods, commodities in bulk, in tank vehicles, commodities requiring special equipment, and articles injurious and contaminating to other freight having a prior or subsequent movement by air), between Philadelphia International Airport, Philadelphia, Pa., and points in New Castle County, Del., and points in the counties of Adams, Burks, Bucks, Carbon, Chester, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Schuylkill, and York, Pa., beyond the terminal area of Joyce Expediting Service, Inc., an air freight forwarder subject to the Federal Aviation Act described in a tariff filed with and accepted by CAB. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 135154 (Sub-No. 1), filed March 8, 1971. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, WI 53703. Applicant's representative: Philip H. Porter, 121 South Pinckney Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt and carbonated beverages* (a) from Milwaukee, Wis., to points in Illinois, Clinton, Davenport, and Dubuque, Iowa, and St. Louis, Mo., (b) from St. Louis, Mo., to Milwaukee and Cudahy, Wis.; (2) *chocolate and cocoa*, from Milwaukee, Wis., to Centralia, Ill.; and (3) *fertilizer*, from Chicago Heights, Ill., to points in Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan,

Walworth, Washington, and Waukesha Counties, Wis. NOTE: Applicant states the purpose of this application is to convert its presently held contract carrier permit into a common carrier certificate. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 135261 (Sub-No. 1), filed March 4, 1971. Applicant: ROBERT C. MORRIS, doing business as MORRIS MOVING & STORAGE, 211 Barwise, Wichita Falls, TX 76307. 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 the following Texas Counties: Wichita, Clay, Archer, Baylor, Ford, Hardeman, Knox, Montague, Throckmorton, Wilbarger, Young, Cameron, Willacy, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, and Kenedy; and the following Oklahoma Counties: Cotton, Jefferson and Tillman, 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 135309 (Sub-No. 1), filed March 2, 1971. Applicant: ZEP'S FRIGID XPRESS, INC., 99 Rome Street, Newark, NJ 07100. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, NJ 07719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 between Elizabeth, Jersey City, Linden, and Newark, N.J., and New York, N.Y., on the one hand, and, on the other, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Middlesex, Monmouth, Ocean, and Union Counties, N.J.; and (2) *food*, cooked, cured, preserved or prepared, frozen, in refrigerated equipment, between Elizabeth, Linden, Newark, and Woodbridge, N.J., on the one hand, and, on the other, New York, N.Y., Bohemia (Suffolk County), N.Y., and Central Islip (Suffolk County), N.Y. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 135318 (Amendment), filed February 8, 1971, published in the FEDERAL REGISTER, issue of March 4, 1971, amended and republished as amended, this issue. Applicant: GRANE TRUCKING COMPANY, INC., 1001 South Laramie Avenue, Chicago, IL 60644. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over



irregular routes, transporting: *Petroleum products and such commodities* as are sold by or used in operating retail gasoline service stations (except commodities in bulk), between the plantsite of the Mobil Oil Corp. at Cicero, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 136 from the Illinois-Indiana State line to Indianapolis, thence over U.S. Highway 40 to the Ohio-Indiana State line; all points in Iowa on and east of U.S. Highway 218 from the Illinois-Iowa border at Keokuk north to Cedar Rapids, thence over U.S. Highway 151 to Dubuque; all points in Michigan on and west of U.S. Highway 27 beginning at the Indiana-Michigan State line to Alma and all points south and east of Michigan Highway 46 to Lake Michigan, under contract with Mobil Oil Corp. NOTE: The purpose of this republication is to reflect operations from the Illinois-Iowa border at Keokuk north to Cedar Rapids, in lieu of north of Cedar Rapids, and to amend the territorial description to read "all points in Michigan west of U.S. Highway 27 \* \* \* Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135363, filed February 24, 1971. Applicant: CONSOLIDATED PACKAGE DELIVERY, INC., 1036 Baronne Street, Post Office Box 50926, New Orleans, LA 70150. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE, Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*; and (2) *equipment and supplies* used in connection with items in (1) above, from New Orleans, La., to points in Louisiana Parishes of Iberia, St. Mary, Iberville, St. Martin, Assumption, Ascension, Livingston, East Feliciana, St. Helena, Tangipahoa, St. James, Terrebonne, Lafourche, St. Charles, St. Tammany, St. John the Baptist, Orleans, Jefferson, St. Bernard, Plaquemines, and Washington; and to the counties of Jefferson, Adams, Wilkinson, Franklin, Amite, Lincoln, Pike, Lawrence, Walthall, Jefferson Davis, Marion, Covington, Lamar, Jones, Forrest, Perry, Wayne, Greene, Stone, Pearl River, Hancock, Harrison, George, and Jackson, Miss. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 135370 (Sub-No. 1), filed March 12, 1971. Applicant: SALYER, INC., Post Office Box 842, Harrisonburg, VA 22801. Applicant's representative: Frank B. Hand, Union Trust Building, 740 15th Street NW, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from the plant of Concord Mobile Homes, Inc., at Mount Jackson, Va., to points in Virginia, West Virginia, North Carolina, Pennsylvania, Delaware,

Maryland, New York, Tennessee, Maine, and New Hampshire, under a continuing contract with Concord Mobile Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135378 (Sub-No. 1), filed March 19, 1971. Applicant: LOREN DAVENPORT, doing business as DAVENPORT WRECKER SERVICE, 1600 B Street, Sioux City, NE 68776. Applicant's representative: Loren Davenport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled vehicles*, by use of wrecker equipment, repair parts for the vehicles specified above, and *replacement vehicles*, between points in Dakota County, Nebr., Iowa, Minnesota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135379 (Sub-No. 2), filed March 12, 1971. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses (except commodities in bulk), and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Virginia, and the District of Columbia, under contract with Food Fair Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135387, filed February 23, 1971. Applicant: HARBOR TRANSFER, INC., B Street, below Erie Avenue, Philadelphia, PA 19134. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having a prior or subsequent movement by water, intended for export or import movements, in carrier furnished shipping containers, or in containerized service, or in wheeled trailers used in containerized service specified above, between piers or wharves located on the Delaware River or its tributaries, in Pennsylvania, New Jersey, or Delaware, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed neces-

sary, applicant requests it be held at Philadelphia, Pa.

No. MC 135388, filed February 24, 1971. Applicant: BOWLING GREEN BEVERAGE COMPANY, INC., 602 Kentucky Street, Bowling Green, KY 42101. Applicant's representative: W. D. Clark, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities to include beer and malt beverages in containers, soft drinks in containers, vending machines, cartons, crowns, glass bottles*, other items used in manufacturing soft drinks, between Bowling Green, Ky., St. Louis, Mo., Detroit, Mich., Cincinnati, Ohio, Memphis, Nashville, and Chattanooga, Tenn., Birmingham, Ala., Atlanta, Ga., Elizabethtown, and Madisonville, Ky., Aberdeen, West Point, Houston, Starkville, and Louisville, Miss., under contract with Bowling Green Coca-Cola Bottling Co., Inc.; Glasgow Coca-Cola Bottling Co., Inc.; West Point Coca-Cola Bottling Co., Inc.; Starkville; Coca-Cola Bottling Co., Inc., Louisville; Coca-Cola Bottling Co., Inc., Aberdeen; Coca-Cola Bottling Co., Inc., and J. B. Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky., Nashville, Tenn., or Louisville, Ky.

No. MC 135391, filed February 22, 1971. Applicant: WILDERNESS EXPRESS, INC., 525 Lake Street, South, Duluth, MN 55801. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Duluth, Minn., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; (2) *foodstuffs, and materials, equipment and supplies* used by Jenos, Inc., from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, to Duluth, Minn., and, (3) *foodstuffs*, between warehouses of Jenos, Inc., located in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan,



Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming, under continuing contract with Jeno's, Inc., and its wholly-owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 135393, filed March 8, 1971. Applicant: PONCE DE LEON SHIPPING CO., INC., 224 East 123d Street, New York, NY 10035. Applicant's representative: Santiago Rosado, 207 Alexander Avenue, Bronx, New York City, NY. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles and household furniture* (except in bulk, in tank vehicles), between New York, N.Y.; Paterson, Newark, Jersey City, and Hoboken, N.J.; and Hartford, New Haven, New Britain, and Waterbury, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135400, filed March 5, 1971. Applicant: ROSELLE TRUCKING CO., a corporation, 615 East First Street, Roselle, NJ 07203. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Scrap paper and rags*, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Pennsylvania, New York, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia, under contract with Great Eastern Packing and Paper Stock Corp., Great Eastern Cotton & Woolen Rag Corp., and Roselle Paper Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 135404, filed March 5, 1971. Applicant: McBRIDE TRANSPORTATION, INC., 289 East Main Street, Goshen, NY 10924. Applicant's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Empty containers, container ends, and accessories, materials and supplies* used in connection with the manufacture and distribution thereof, from points in Orange County, N.Y., to points in New Jersey; and (2) *returned, refused, and rejected merchandise* of the same description, *pallets, shrouds, separators, and frames*, from points in New Jersey to points in Orange County, N.Y., under contract with Reynolds Metals Co. of Richmond, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135404 (Sub-No. 1), filed February 25, 1971. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid protein supplement*, in bulk, from Albany, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under contract with Agway Inc. NOTE: Applicant now holds common carrier authority under its No. MC 80428 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 135409, filed March 19, 1971. Applicant: GENERAL VAN & STORAGE, INC., 3411 Sheila Lane, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New store and office fixtures*, between points in Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 135410, filed March 11, 1971. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, Little York, IL 61453. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk), as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the plantsite and storage facilities utilized by Wilson Sinclair Co., located at or near Monmouth, Ill., to points in Indiana, Michigan, and Ohio. Restriction: Restricted to the transportation of traffic originating at the named origin and destined to the named destinations. NOTE: The purpose of this application is to convert applicant's contract authority under MC 133281 to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135410 (Sub-No. 1), filed March 11, 1971. Applicant: COURTNEY J. MUNSON, doing business as MUNSON TRUCKING, Little York, IL 61453. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), 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, from the plantsite and storage facilities utilized by Wilson Sinclair Co., located at or near Monmouth, Ill., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the named destinations. NOTE: Applicant holds contract carrier authority under MC 133281, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135411, filed March 4, 1971. Applicant: LOIS L. CANOVA, doing business as SOLANO MOVING & STORAGE CO., 1340 Woolner Avenue, Fairfield, CA 94533. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods* restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Contra Costa, Napa, Nevada, Placer, Sacramento, Solano, Sonoma, and Yolo Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 135413, filed March 5, 1971. Applicant: HENRY'S TRANSFER, INC., Building C-2, Miami International Airport, Post Office Box 864, Miami, FL 33148. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, including the transportation of *semitrailers* whether loaded or unloaded (except commodities in bulk, in tank vehicles, household goods, dangerous explosives, articles of unusual value, livestock, and commodities that require refrigeration), between points in Dade and Broward Counties, Fla., restricted to shipments having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 135414, filed March 5, 1971. Applicant: HAROLD W. LANGER, 1126 South Belcrest, Springfield, MO 65804. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Springfield, and Mount Vernon, Mo., and their commercial zones, from Springfield, Mo., over Interstate Highway 44 to Mount Vernon



and return over the same route, and serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mount Vernon or Springfield, Mo.

No. MC 135415, filed March 2, 1971. Applicant: SCHMIDT TRANSIT CO., INC., Oakland, Iowa 51560. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plants, warehouses, or facilities utilized by American Beef Packers, Inc., at or near Omaha and Fremont, Nebr., Oakland and Harlan, Iowa, and Fort Morgan, Denver, and Brush, Colo., to all points in the United States (except Alaska and Hawaii), under contract with American Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135421, filed March 15, 1971. Applicant: OSCAR DICKEY, 209 Oak Street, Box 221, Stayner, ON, Canada. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, from those ports of entry on the international boundary line between the United States and Canada on the Niagara River, to points in New York, Ohio, Michigan, and Pennsylvania, restricted to traffic originating at the plantsites of Barton Distilling (Canada) Ltd. and National Starch & Chemical Ltd., located at Collingwood, Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135423, filed March 8, 1971. Applicant: FRANKLIN GORDON, Rural Route No. 1, Manilla, IN 46150. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*, from Peoria, Monmouth, and East St. Louis, Ill. (not including points in the Missouri portion of the East St. Louis commercial zone), to points in Indiana on and south of U.S. Highway 24; (2) *dry feed ingredients*, from Chicago, Ill., and Cincinnati, and Toledo, Ohio, to Rushville, Ind., and (3) *dry animal and poultry feed*, from Rushville, Ind., to points in Ohio on and west of U.S. Interstate Highway 75, under contract with Cargill, Inc., Nutrena Feed Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 135425 (Sub-No. 1), filed March 17, 1971. Applicant: CYCLES, LIMITED, Post Office Box 5715, Jackson,

MS 39208. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, parts and accessories*, (a) 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; (b) from Lutherville, Timonium, Md., to points in New Mexico, Arizona, California, Missouri, Oklahoma, and Colorado; and (c) 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, under contract with the Birmingham Small Arms Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Verona, N.J.

No. 135430, filed March 15, 1971. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Poles, piling and pressure-treated forest products*, (1) from points in Lane County, Oreg., to points in California and Nevada; (2) from points in Lane and Douglas Counties, Oreg., to the sites of docks in Coos, Lane, Lincoln, and Multnomah Counties, Oreg., and points in Clark County, Wash.; and (3) from points in California to points in Oregon; (b) *Lumber*, (1) from points in Lane and Douglas Counties, Oreg., to the sites of docks in Coos, Lane, Lincoln, and Multnomah Counties, Oreg., and points in Clark County, Wash.; and (2) from Oroville, Calif., to points in Oregon; and (c) *laminated wood products, prefabricated wooden timbers, trusses and beams, and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, from points in Lane and Douglas Counties, Oreg., to points in Oregon, Washington, Idaho, Montana, California, Arizona, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 135431, filed March 12, 1971. Applicant: KURTZ TRANSPORT, INC., 930 Pointview Avenue, Ephrate, PA 17522. 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: *Lime and limestone*, from the plant of Lancaster Lime and Stone Corp. in West Cocalico Township, Lancaster County, Pa., to points in Delaware, Maryland, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135433, filed March 18, 1971. Applicant: OLIVER A. MILLER, doing business as STINE'S TOWING SERVICE, 1052 East 10th Avenue, York, PA 17404. 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: *Wrecked, damaged, disabled, and repossessed motor vehicles*, by truckaway method, by wrecker equipment only, between points in York County, Pa., on the one hand, and, on the other, points in Maryland, the District of Columbia, Virginia, New Jersey, New York, Connecticut, Massachusetts, Ohio, West Virginia, Indiana, Illinois, Michigan, Delaware, Tennessee, Rhode Island, North Carolina, South Carolina, Georgia, Florida, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135434, filed March 17, 1971. Applicant: V & A WAREHOUSE CORPORATION, 70 Barclay Street, Paterson, NJ 07503. 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: *Drugs, pharmaceuticals, toilet preparations, advertising materials, materials, equipment, and supplies*, used in the manufacture and sale of drugs, pharmaceuticals, and toilet preparations, between the facilities of Leeming Pacquin's, division of Charles Pfizer, at Parsippany, N.J., on the one hand, and, on the other, Paterson, Passaic, Lyndhurst, Carlstadt, Moonachie, Newark, North Bergen, Secaucus, Linden, Jersey City, Rutherford, Kearny, and Elizabeth, N.J., restricted to shipments having a prior or subsequent movement via other carriers. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. 135435, filed March 18, 1971. Applicant: DALE SMART, doing business as DALE SMART TRUCKING, 4950 Fannet Road, Beaumont, TX 77705. Applicant's representative: Dale Smart (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal bars, billets, blooms, castings, and forgings*, from Beaumont and Houston, Tex., to points in the United States (except Alaska and Hawaii) and refused and rejected shipments on return, under contract with Oil City Brass Works and Beaumont Well Works, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Houston, Tex.

No. MC 135436, filed March 25, 1971. Applicant: WILLIAM C. OESTER and ROBERT A. OESTER, a partnership, doing business as OESTER BROS., Rural Delivery No. 1, Grantsville, MD. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*,



from Greenville, Eighty-Four (Washington County) and Somerset (Somerset County), Pa., to points in Maryland and West Virginia. Restriction: The above authority is restricted to a transportation service to be provided under a continuing contract or contracts with Agway, Inc., and Raymond Lepley. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 135438, filed March 22, 1971. Applicant: SHELTON TRANSPORTATION COMPANY, a corporation, 426 Main Street, Post Office Box 278, Suisun, CA 94585. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Residual fuel oils* used in paving operations, *asphalt, road oils, and road emulsions*, in bulk, in tank vehicles, from points in Contra Costa, Alameda, Sacramento, and Solano Counties, Calif., to points in Washoe, Storey, Douglas, Lyon, Mineral, Churchill, Pershing, Humboldt, and Lander Counties; and Carson City, Nev., with no transportation for compensation on return, except as otherwise authorized. Note: Applicant states it will request cancellation of its contract carrier authority under MC 117801 upon the granting of this application. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 106207 (Sub-No. 12), filed March 11, 1971. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO., INC., 602 Broadway, Bayonne, NJ 07002. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. 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, from junction Ocean Avenue and Rumson Bridge in Sea Bright, over Rumson Bridge and Rumson Road to junction Avenue of Two Rivers, thence over Avenue of Two Rivers to junction Ridge Road, thence over Ridge Road to junction Bingham Avenue, thence over Bingham Avenue to junction River Road, thence over River Road to junction Oceanic Bridge, thence over Oceanic Bridge to junction Locust Point Road, thence over Locust Point Road (1) to junction Navesink Avenue, thence over Navesink Avenue to junction Grand Avenue, thence over Grand Avenue to junction New Jersey Highway 36 (Memorial Parkway) or (2) to junction Lakeside Avenue, thence over Lakeside Avenue to junction Monmouth Road, thence over Monmouth Road to junction Sears Avenue, thence over Sears Avenue to junction New Jersey Highway 36 (Memorial Parkway) and return over the same routes, serving all intermediate points. Note: The applicant proposes to join the above routes to its existing routes between Middletown and Sea Bright, N.J., on the one hand, and, on

the other, New York, N.Y., in order to provide regular route service over the proposed routes and its existing routes between New York, N.Y., on the one hand, and, on the other, points on its existing routes and the proposed routes. Note: If a hearing is deemed necessary, applicant requests it be held at Long Branch or Newark, N.J.

No. MC 118689 (Sub-No. 4), filed February 17, 1971. Applicant: BRISTOL-JENKINS BUS LINE, INC., 408 East Mary Street, Bristol, VA. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: (1) *Over regular routes: Passengers and their baggage, and mail, newspapers, and express* in the same vehicle with passengers, between Abingdon, Va., and Winston-Salem, N.C.: From Abingdon, Va., over U.S. Highway 11 and Interstate Highway 81, to U.S. Highway 58, thence over U.S. Highway 58 to Virginia Highway 91, thence over Virginia Highway 91 to Tennessee Highway 91, thence over Tennessee Highway 91 to U.S. Highway 421, thence over U.S. Highway 421 to Winston-Salem, N.C., and return over the same route, serving all intermediate points. (2) *Over irregular routes: Passengers and their baggage*, in special and charter operations, from points on or within 5 miles of said routes between Abingdon, Va., and Boone, N.C. (including Boone, N.C.), to points in North Carolina, South Carolina, Georgia, Florida, Virginia, Tennessee, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bristol, Va., or Winston-Salem, N.C.

No. MC 128758 (Sub-No. 3), filed March 5, 1971. Applicant: BLUE LINES, INC., 2001 New York Avenue NE, Washington, DC 20002. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW, Washington, DC 20036. 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 vehicles with passengers, between Brunswick, Md., and Charles Town, W. Va., serving all intermediate points between Brunswick, Md., and Charles Town, W. Va.: From Brunswick, Md., over Maryland Highway 464 to junction U.S. Highway 340, thence over U.S. Highway 340 to Charles Town, W. Va., and return over the same routes. Note: Applicant states that the requested authority would be tacked with its existing authority at Brunswick, Md., to provide service between Charles Town, W. Va., and Washington, D.C. If a hearing is deemed necessary, applicant requests it be held at (1) Brunswick, Md., (2) Charles Town, W. Va., or (3) Washington, D.C.

No. MC 134519 (Sub-No. 1), filed February 23, 1971. Applicant: JAMES A. AUTREY, doing business as AUCO

TOURS, 918 Gay Street, Knoxville, TN 37901. Applicant's representative: Robert E. Pryor, Post Office Box 1708, Valley Fidelity Bank Building, Knoxville, TN 37901. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Knoxville, Sevierville, Pigeon Forge, and Gatlinburg, Tenn., and extending to Cherokee, N.C., as follows: From Knoxville over U.S. Highway 441 to Cherokee, and return over the same route (also return from Cherokee over U.S. Highway 441 to junction Tennessee Highway 73, thence over Tennessee Highway 73 to junction unnumbered highway, thence over unnumbered highway through Cades Cove, Tenn., to junction Tennessee Highway 73, and thence over Tennessee Highway 73 to Knoxville, Tenn. Note: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Chattanooga, or Nashville, Tenn.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 12426 (Sub-No. 1), filed March 15, 1971. Applicant: GROUPS UNLIMITED, INC., 15 Central Park West, New York, NY. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. For a license (BMC-5) to engage in operations as a broker at New York, N.Y., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of groups of passengers and their baggage, in charter and special operations, in round-trip all-expense tours beginning and ending at points in Westchester County, N.Y., and extending to points in the United States.

No. MC 130141, filed March 1, 1971. Applicant: HOWARD A. SHAFFER, DOROTHY J. LANDIS and RUSSELL W. LANDIS, a partnership, doing business as LET'S TRAVEL SERVICE, 926 East 64th Street, Tacoma, WA 98404. For a license (BMC-5) to engage in operations as a broker at Tacoma, Wash., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in round-trip special, and/or charter operations, between points in Oregon, Washington, Idaho, Utah, and Colorado.

#### APPLICATIONS OF FREIGHT FORWARDERS

No. FF-128 (Sub-No. 4) (CLIPPER CARLOADING COMPANY, Extension—Southeast), filed March 24, 1971. Applicant: CLIPPER CARLOADING COMPANY, a corporation, 3401 West Pershing Road, Chicago, IL 60632. Applicant's representative: Leonard Stelzer, 3401 West Pershing Road, Chicago, IL 60632. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, and motor vehicle in the transportation of: *General commodities*,



(a) from points in Alabama, Arkansas, Florida, Georgia, Maine, Mississippi, New Hampshire, and South Carolina to points in California, Oregon, and Washington; and (b) from points in California, Oregon, and Washington to points in Alabama, Arkansas, Florida, Georgia, Maine, Mississippi, New Hampshire, North Carolina, South Carolina, and Tennessee.

No. FF-252 (Sub-No. 2) (CHI-CAN FREIGHT FORWARDING, LTD., Extension—Westbound), filed March 24, 1971. Applicant: CHI-CAN FREIGHT FORWARDING, LTD., 4956 South Kedzie Avenue, Chicago, IL. Applicant's representative: Paul J. Maguire, 111 West Washington Street, Chicago, IL. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to authorize an extension of its operations as freight forwarder in interstate or foreign commerce through the use of the facilities of common carriers by railroad, motor vehicle and water carriers, in the transportation of: *General commodities*, from points in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island in Canada, for import only into points in Illinois, Iowa, Missouri, and Wisconsin, to the extent such transportation takes place in the United States.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 61440 (Sub-No. 129), filed March 17, 1971. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Barstow, Calif., and Bakersfield, Calif., over California Highway 58 to Bakersfield, Calif.; (2) between Amarillo, Tex., and Barstow, Calif., from Amarillo over U.S. Highway 66 (also Interstate Highway 40) to Barstow, Calif.; and (3) between Barstow, Calif., and Los Angeles, Calif., from Barstow, over U.S. Highway 66 (also Interstate Highway 15) to Los Angeles, Calif., and return over the same routes serving no intermediate points and serving Barstow, Calif., for purposes of joinder only, as alternate routes, in connection with applicant's presently authorized regular route operations between Amarillo, Tex., and points in California in connection with routes (1), (2), and (3) above, with all routes restricted against the transportation of traffic originating at or destined to points in the Amarillo, Tex., commercial zone. Note: Applicant states that a portion of the authority applicant now holds in Sub 103 is alternate route authority between Amarillo, Tex., and Los Angeles, Calif., over U.S. Highway 66 serving no intermediate points and restricted against the transportation of traffic originating at or destined to points in the Amarillo,

Tex., commercial zone. The purpose of parts (2) and (3) of this application is to serve Barstow, Calif., for purpose of joinder only so that the alternate route authority set forth in (1) above may be tacked at Barstow to provide service to and from Bakersfield, Calif., and points north of Bakersfield. (Bakersfield is an intermediate point on Lee Way's service route between Los Angeles and points in northern California.) No duplicating authority is sought herein though the route to be traversed between Amarillo and Barstow duplicates a portion of the alternate route authority now held in Sub 103.

No. MC 115841 (Sub-No. 402), filed March 15, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW, Washington, DC 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds* (except in bulk), from the storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Tennessee (except Memphis), Kentucky, Indiana, Michigan, Illinois, Ohio, Virginia, West Virginia, Pennsylvania, Maryland, Massachusetts, Delaware, New Jersey, New York, Connecticut, Rhode Island, and the District of Columbia. Note: A motion to dismiss has been filed concurrently herewith. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 126561 (Sub-No. 2), filed March 15, 1971. Applicant: STARLIN MITCHELL, doing business as MITCHELL TRUCKING COMPANY, Route 3, Box 194 H, Corbin, KY 40701. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, KY 40402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, animal and poultry*, from Cincinnati, Ohio, and its commercial zone to Manchester and Middlesboro, Ky. Note: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-4843 Filed 4-7-71; 8:45 am]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 5, 1971.

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

#### LONG-AND-SHORT HAUL

FSA No. 42167—*Soda Ash from Specified Points in Wyoming*. Filed by Western Trunk Line Committee, agent (No.

A-2641), for interested rail carriers. Rates on soda ash, in bulk, in hopper cars, in carloads, as described in the application, from Westvaco, Alchem, and Stauffer, Wyo., to specified points in Illinois, Minnesota, and Missouri.

Grounds for relief—Rate relationship. Tariff—Supplement 369 to Western Trunk Line Committee, agent tariff ICC A-4411.

FSA No. 42168—*Lumber and Related Articles Between Points in Southern Territory*. Filed by O. W. South, Jr., agent (No. A-6242), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, between points in southern territory.

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

Tariff—Southern Freight Association, agent, tariff ICC S-964.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-4932 Filed 4-7-71; 8:51 am]

[Notice 274]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 2, 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 531 (Sub-No. 270 TA), filed March 31, 1971. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14048, 4904 Griggs Road, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy and fruit juice concentrate*, from Fresno and Selma, Calif., to Patrick, S.C., and Petersburg, Va., for 150 days. Note: Applicant does not intend to tack with existing authority. Supporting shipper: Canandaigua Industries Co., Inc. (Marvin Sands, President), 116 Buffalo Street,



Canandaigua, NY 14424. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 1380 (Sub-No. 13 TA), filed March 26, 1971. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., Post Office Box 5468, High Point, NC 27262. Applicant's representative: Max H. Towery (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 in commodities in bulk), from Evans Products Co.'s site at Moncure, N.C., to points in Virginia, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 57941 (Sub-No. 5 TA), filed March 30, 1971. Applicant: CITY TRANSFER COMPANY, 1712 South Central Avenue, Phoenix, AZ 85004. Applicant's representative: Donald E. Ferns, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire extinguishing compounds, in bags and in bulk, and water in bulk in tank vehicles*, between warehouse sites of Monsanto Co., Phoenix, Ariz., and points in New Mexico, for 180 days. Supporting shipper: Monsanto Co., Post Office Box 120, Santa Clara, CA 95052. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 102971 (Sub-No. 3 TA) (Correction), filed March 23, 1971, published FEDERAL REGISTER, issue of March 30, 1971, and republished in part as corrected this issue. Applicant: LYTLE'S TRANSFER & STORAGE, INC., 2309 Union Avenue, Altoona, PA 16601. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Note: The purpose of this partial republication is to include a supporting shipper, *Motor Freight Express, Inc., York, Pa.*, which was inadvertently omitted in previous publication, the rest of the application remains the same.

No. MC 107403 (Sub-No. 80 TA), filed March 29, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Good Hope, La., to points in Texas, for 180 days. Supporting shipper: Chevron Oil Co., 1700 Broadway, Post Office Box

599, Denver, CO 80201. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 108393 (Sub-No. 44 TA), filed March 30, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Room 214, Hinsdale, IL 60521. Applicant's representative: Eugene L. Cohn, Suite 2255, 1 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of electrical and gas appliances and equipment, materials and supplies used in the manufacture, distribution, and repair of electrical and gas appliances*, for the account of Whirlpool Corp., between Milford, Ill., and Evansville, Ind., for 180 days. Supporting shipper: Whirlpool Corp., Benton Harbor, MI 49022. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 109294 (Sub-No. 17 TA), filed March 30, 1971. Applicant: COMMERCIAL TRUCK CO., LTD., 230 Brunette Street, New Westminster, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, poles, and piling and building board*, between ports of entry on the international boundary between the United States and Canada, at or near Blaine and Sumas, Wash., on the one hand, and, on the other, points in Oregon; and (2) *Poles and piling*, between ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., on the one hand, and, on the other, points in Washington (except points in Whatcom, Skagit, Snohomish, King, Pierce, and Island Counties), for 180 days. Supporting shippers: There are approximately 11 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: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 109708 (Sub-No. 51 TA), filed March 30, 1971. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice*, in bulk, in tank vehicles, from Germantown, N.Y., to Petersburg, Va., for 180 days. Supporting shipper: Richard's Wine Cellars Inc., 120 Pocohontas Street, Petersburg, VA.

Send protests to: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111103 (Sub-No. 34 TA), filed March 30, 1971. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, PA 19147. Applicant's representative: Charles E. Cole (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, all denominations of, between Culpeper, Va., on the one hand, and, on the other, Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo and New York, N.Y.; Charlotte, N.C.; Chicago, Ill.; Cincinnati and Cleveland, Ohio; Dallas, El Paso, Houston, and San Antonio, Tex.; Denver, Colo.; Detroit, Mich.; Helena, Mont.; Jacksonville and Miami, Fla.; Kansas City and St. Louis, Mo.; Little Rock, Ark.; Los Angeles and San Francisco, Calif.; Louisville, Ky.; Memphis and Nashville, Tenn.; Minneapolis, Minn.; New Orleans, La.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia and Pittsburgh, Pa.; Portland, Ore.; Richmond, Va.; Salt Lake City, Utah; Seattle, Wash., and Washington, D.C., for 180 days. Supporting shipper: General Services Administration, Washington, D.C. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111401 (Sub-No. 326 TA), filed March 29, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Vic Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in bags, in tank vehicles, from Farwell, Farmer County, Tex., to points in New Mexico, for 180 days. Supporting shipper: Tide Products, Inc., Walter Hughes, manager, Farwell, Tex. 79325. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operation, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 327 TA), filed March 29, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Vic Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Jackson, Pottawatomie, Nemaha, and Marshall Counties, Kans., to Falls City, Nebr., for 180 days. Supporting shipper: Carter-Walters Corp., Elliott Smith, manager, 2440 Pennway, Kansas City, MO 64108. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240,



Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113024 (Sub-No. 109 TA), filed March 30, 1971. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, house heating boilers, and tanks* (except those requiring special equipment) from the plantsite of A. O. Smith Corp., Kankakee, Ill., to Washington, D.C., New York, N.Y., and points in Nassau, Suffolk, Orange, Putnam, Westchester, Rockland, and Dutchess Counties, N.Y., points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Lancaster, Berks, Lehigh, and Northampton Counties, Pa., and points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, and New Jersey. Restricted to a transportation service to be performed under a contract or continuing contract with A. O. Smith Corp., Milwaukee, Wis. Applicant states that if this authority is granted this traffic will be transported with water heater under permanent now held under a permit MC 113024 Sub 74, from the same shipper and to the same destination area, for 180 days. Supporting shipper: George T. Brewer, manager, Transportation Pricing & Research, A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 116457 (Sub-No. 10 TA), filed March 26, 1971. Applicant: GENERAL TRANSPORTATION, INC., Post Office Box K, Show Low, AZ 85901. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Eagar, Ariz., to McNary and Bell, Ariz., restricted to the transportation of traffic having an immediately subsequent movement by rail, for 180 days. Supporting shipper: Southwest Forest Industries, 3443 North Central, Post Office Box 7548, Phoenix, AZ 85011. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, AZ 85025.

No. MC 117119 (Sub-No. 431 TA), filed March 30, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Omaha, Nebr., to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Campbell Soup Co., Campbell Place, Camden, NJ 08101. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission,

Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 123640 (Sub-No. 4 TA), filed March 30, 1971. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Joseph R. Higi, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in, or used by chain or department stores*, from Fort Wayne, Ind., to points in that part of New York on, south, and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction of New York Highway 14 at Alton, N.Y., thence south along New York Highway 14 to New York-Pennsylvania State line, for 120 days. Supporting shipper: W. T. Grant Co., Fort Wayne, 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 125474 (Sub-No. 30 TA), filed March 30, 1971. Applicant: BULK HAULERS, INC., Post Office Box 3601, U.S. Highway 421, North, Wilmington, NC 28401. Applicant's representative: Alex M. Efrd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate (DMT)*, from Gibbstown, N.J., to E. I. du Pont de Nemours & Co. plants at Cape Fear, N.C. (Brunswick County) and Old Hickory, Tenn., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 128866 (Sub-No. 19 TA), filed March 30, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, also 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Howard Johnson's, Inc., Brockton, Mass., and the plantsite of Banquet Foods Corp., Milan, Mo., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08034. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129643 (Sub-No. 4 TA), filed March 30, 1971. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg 4, MB Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Frozen chicken broth, chicken fat, and diced chicken*, from port of entry at or near Eastport, Idaho, to Eugene, Oreg. Restricted to traffic originating at Winnipeg, Manitoba, Canada, for 180 days. Supporting shipper: Cham Food Service Ltd., 260 Princess Street, Winnipeg 2, MB Canada. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 133065 (Sub-No. 14 TA), filed March 31, 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Omaha, Nebr., to the plantsite and storage facilities of Behlen Manufacturing Co. at or near Columbus, Nebr., for 180 days. Supporting shipper: James E. Weidon, Traffic Manager, Behlen Manufacturing Co., U.S. Highway 30 East, Columbus, NE 68601. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 135153 (Sub-No. 5 TA), filed March 26, 1971. Applicant: GREAT OVERLAND, INC., Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission (except those commodities in bulk, and hides), from Dodge City, Kans., to points in Oklahoma on and west of U.S. Highway 81, for 90 days. Supporting shipper: Hyplains Dressed Beef, Inc., Box 539, Dodge City, KS 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 135326 (Sub-No. 1 TA), filed March 26, 1971. Applicant: ALMAND TRUCKING COMPANY, Route 2, Box 50, Keithville, LA 71047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and shavings*, from plantsites of Love Wood Products Co. at Diboll, Tenaha, and Carthage, Tex., to Shreveport, Springhill, Lillie, and Monroe, La., for 180 days. Supporting shipper: Love Wood Products Co., Post Office Drawer O; Diboll, TX 75941, Mr. Howard Daniel, Vice President. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135357 (Sub-No. 1 TA), filed March 26, 1971. Applicant: VERNON A. BRAUND AND DONALD E. JENSEN, a partnership, doing business as BRAUNSEN TRUCKING, Walters, MN 56092.



Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Mankato and Albert Lea, Minn., for 150 days. Supporting shippers: J. W. Owen Co., Mankato, Minn. 56001; Wayne Mudra, B & M Distributing Co., Albert Lea, Minn. 56007. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135357 (Sub-No. 1 TA), filed March 26, 1971. Applicant: VERNON A. BRAUND AND DONALD E. JENSEN, a partnership, doing business as, BRAUNSEN TRUCKING, Walters, MN 56092. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Mankato and Albert Lea, Minn., for 150 days. Supporting Shippers: J. W. Owen Co., Mankato, Minn. 56001; Wayne Mudra, B & M Distributing Co., Albert Lea, Minn. 56007. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, MN 55401.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 115116 (Sub-No. 22 TA), filed March 30, 1971. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, NJ 08901. Applicant's representative: Michael J. Marzano, Jr., 17 Academy Street, Newark, NJ 07102. Authority sought to operate

as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and newspapers and express* in the same vehicle with passengers, between points in Trenton, N.J.; (1) From the Perry Street Terminal over Perry Street to access roads of the Trenton Freeway (U.S. Highway 1), then over such access roads and the Trenton Freeway to the exit roads for Barlow Circle, then over such exit roads to Barlow Circle, then over Barlow Circle to Barlow Street, then over Barlow Street to South Clinton Avenue, then over South Clinton Avenue to the Suburban South Clinton Avenue Bus Terminal, and on return from the Suburban South Clinton Avenue Bus Terminal over South Clinton Avenue to the Greenwood Circle, then over Greenwood Circle and access roads to Barlow Circle, then over Barlow Circle and access roads to the Trenton Freeway, then over the Trenton Freeway to exit roads at Perry Street, and then over exit roads to Perry Street, and then over Perry Street to the point or place of beginning, serving all intermediate points. Between Lawrence Township and Trenton, N.J.; and

(2) From U.S. Highway 206 and Mercer County Highway 583 (Princeton Avenue) Lawrence Township, N.J., over U.S. Highway 206 to Brunswick Circle and junction with U.S. Highway 1 and Strawberry Street at or near Lawrence Township and City of Trenton boundary line, then over Brunswick Circle and Strawberry Street (U.S. Highway 1) to the Trenton Freeway in Trenton, N.J., then over the Trenton Freeway (U.S. Highway 1) to exit roads for Barlow Circle, then over such exit roads to Barlow Circle, then over the Barlow Circle to Barlow Street, then over Barlow Street to South Clinton Avenue, then over South Clinton Avenue to Suburban South Clinton Avenue Bus Terminal and

on return from the Suburban South Clinton Avenue Bus Terminal over South Clinton Avenue to the Greenwood Circle, then over Greenwood Circle and access roads to Barlow Circle, and then over Barlow Circle and access roads to the Trenton Freeway (U.S. Highway 1), then over Trenton Freeway to junction Strawberry Street (U.S. Highway 1), then over Strawberry Street to Brunswick Circle and junction with U.S. Highway 206, then over Brunswick Circle and U.S. Highway 206 to the point or place of beginning in Lawrence Township serving all intermediate points. NOTE: Applicant proposes to join the proposed routes to its existing regular route authority between Trenton and Lawrence Township, N.J. and New York, N.Y., as authorized in Docket MC 115116 and sub numbers thereunder. The joinder point with respect to route (1) above is the Perry Street terminal, an existing service point in Trenton, N.J., as shown in MC 115116 (Sub-No. 11). The joinder point for route (2) is the junction of U.S. Highway 206 and Mercer County Highway 583 (Princeton Avenue) in Lawrence Township, N.J., authorized to be served in MC 115116 (Sub-No. 11). Applicant proposes to join the proposed routes to its existing routes at the points described in order to provide service in interstate commerce to and from New York, N.Y., for 180 days. Supported by: Miss Gracie Brooks, 36 Popter Street, Trenton, N.J., and 10 other persons whose letters of support are on file in this office. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-4933 Filed 4-7-71; 8:51 am]



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# FEDERAL REGISTER

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Thursday, April 8, 1971 • Washington, D.C.

PART II

DEPARTMENT OF LABOR

Office of the Secretary

•  
EQUAL EMPLOYMENT OPPOR-  
TUNITY IN APPRENTICESHIP  
AND TRAINING

General revision of apprenticeship rules





## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

#### PART 30—EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP AND TRAINING

On January 29, 1971, notice of proposed rule making was published in the *FEDERAL REGISTER* (36 F.R. 1419), with regard to revising Part 30 of Title 29 of the Code of Federal Regulations, issued by the Secretary of Labor on December 13, 1963, 28 F.R. 13775, dealing with equal employment opportunity in apprenticeship and training. Interested persons were given 30 days in which to submit written statements, data, views, or arguments regarding any or all of the policies or procedures contained in the proposal. After consideration of all such relevant matter as was presented by interested persons, 29 CFR Part 30 as so proposed is hereby adopted, subject to the following changes:

1. In § 30.1, the sentence reading "This part also provides policies and procedures for recognizing appropriate State agencies for registering apprenticeship programs for Federal purposes" is changed to read "This part also provides policies and procedures for continued or withdrawal of recognition of State agencies for registering of apprenticeship programs for federal purposes."

2. Paragraph (c) in § 30.4 is changed by inserting immediately after the last sentence thereof the following concluding sentences: "The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph."

3. Subparagraph (1) of § 30.4(c) is changed to read as follows: "Dissemination of information concerning the nature of apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the Department, local schools, employment service offices, community organizations which can effectively reach minority groups, and published in newspapers which are circulated in the minority community as well as the general areas in which the program sponsor operates."

4. Subparagraph (6) of § 30.4(c) will read as follows: "To encourage the es-

tablishment and utilization of programs of preapprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program."

5. Subparagraphs (6), (7), and (8) of § 30.4(c) are renumbered subparagraphs (7), (8), and (9) of § 30.4(c), respectively.

6. Subparagraph (10) of § 30.4(c) will read as follows: "Such other action as to insure that the recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex; such as: General publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to insure that equal employment opportunity is being granted including reporting systems, onsite reviews, briefing sessions, etc."

7. In subparagraph (3) of § 30.4(d), the words "affirmative action program" are changed to read "affirmative action plan".

8. In paragraph (e) of § 30.4, the words "affirmative action program" are changed to read "affirmative action plan".

9. In paragraph (g) of § 30.4, the words "as shall be designated by the Secretary" are changed to read "as appropriate".

10. In paragraph (a) of § 30.5, the words "further to otherwise ensure" are changed to read "otherwise insure".

11. In the last sentence of § 30.5(b) (4) (b) (ii), the word "goals" is changed to read "goals".

12. Section 30.7 as proposed is not adopted. Accordingly, § 30.7 is reserved for future use.

13. Section 30.19 is changed by adding the following concluding sentence: "State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor."

**Effective date.** This part shall be effective upon publication in the *FEDERAL REGISTER*. (4-8-71)

Signed at Washington, D.C., this 30th day of March 1971.

J. D. HODGSON,  
Secretary of Labor.

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**AUTHORITY:** The provisions of this Part 30 are issued under sec. 1, 50 Stat. 664, as amended; 29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301; Reorganization Plan No. 14 of 1950, 64 Stat. 1267, 3-CFR 1949-53 Comp., p. 1007.

#### § 30.1 Scope and purpose.

This part sets forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or with State apprenticeship programs registered with recognized State apprenticeship agencies. These policies and procedures apply to the recruitment and selection of apprentices, and to all conditions of employment and training during apprenticeship; and the procedures established provide for review of apprenticeship programs, for registering apprenticeship programs, for processing complaints, and for deregistering non-complying apprenticeship programs. This part also provides policies and procedures for continued or withdrawal of recognition of State agencies for registering of apprenticeship programs for Federal purposes. The purpose of this part is to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex in apprenticeship programs, by requiring affirmative action to provide equal opportunity in such apprenticeship programs, and by coordinating this part with other equal opportunity programs.

#### § 30.2 Definitions.

(a) "Department" means the U.S. Department of Labor.

(b) "Employer" means any person or organization employing an apprentice whether or not the apprentice is enrolled with such person or organization or with some other person or organization.

(c) "Apprenticeship program" means a program registered by the Department and evidenced by a Certificate of Registration as meeting the standards of the Department for apprenticeship, but does not include a State apprenticeship program.



(d) "Sponsor" means any person or organization operating an apprenticeship program, irrespective of whether such person or organization is an employer.

(e) "Secretary" means the Secretary of Labor, the Assistant Secretary of Labor for Manpower or any person specifically designated by either of them.

(f) "State Apprenticeship Council" means a State apprenticeship council or other State agency in any of the 50 States, the District of Columbia, or any territory or possession of the United States, which is recognized by the Department as the appropriate agency for registering programs for Federal purposes.

(g) "State apprenticeship program" means a program registered with a State Apprenticeship Council and evidenced by a Certificate of Registration or other appropriate document as meeting the standards of the State Apprenticeship Council for apprenticeship.

(h) "State program sponsor" means any person or organization operating a State apprenticeship program, irrespective of whether such person or organization is an employer.

### § 30.3 Equal opportunity standards.

(a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

(1) Recruit, select, employ, and train apprentices during their apprenticeship, without discrimination because of race, color, religion, national origin, or sex; and

(2) Uniformly apply rules and regulations concerning apprentices, including but not limited to, equality of wages, periodic advancement, promotion, assignment of work, job performance, rotation among all work processes of the trade, imposition of penalties or other disciplinary action, and all other aspects of the apprenticeship program administration by the program sponsor; and

(3) Take affirmative action to provide equal opportunity in apprenticeship, including adoption of an affirmative action plan as required by this part.

(b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall include in its standards the following equal opportunity pledge:

The recruitment, selection, employment, and training of apprentices during their apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex. The sponsor will take affirmative action to provide equal opportunity in apprenticeship and will operate the apprenticeship program as required under Title 29 of the Code of Federal Regulations, Part 30.

(c) *Programs presently registered.* Each sponsor of a program registered with the Department as of the effective date of this part shall within 9 months following that effective date take the following action:

(1) Include in the standards of its apprenticeship program the equal opportunity pledge prescribed by paragraph (b) of this section; and,

(2) Adopt an affirmative action plan required by § 30.4; and

(3) Adopt a selection procedure required by § 30.5. A sponsor adopting a selection method under § 30.5(b) (1), (2), or (3) shall prepare, and have available for submission upon request, copies of its amended standards, affirmative action plans, and selection procedure. A sponsor adopting a selection method under § 30.5(b) (4) shall submit to the Department copies of its standards, affirmative action plan and selection procedure in accordance with the requirements of § 30.5(b) (4) (i) (a).

(d) *Sponsors seeking new registration.* A sponsor of a program seeking new registration with the Department shall submit copies of its proposed standards, affirmative action plan, selection procedures, and such other information as may be required. The program shall be registered if such standards, affirmative action plan, and selection procedure meet the requirements of this part.

(e) *Programs subject to approved equal employment opportunity plans.* A sponsor shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5 if it submits to the Department satisfactory evidence that it is subject to an equal employment opportunity program providing for the selection of apprentices and for affirmative action in apprenticeship which has been approved as meeting the requirements of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or Executive Order 11246, as amended (30 F.R. 12319, 32 F.R. 14303, 34 F.R. 12986) and the implementing regulations published in Title 29 of the Code of Federal Regulations, Chapter XIV, and Title 41 of the Code of Federal Regulations, Chapter 60.

(f) *Program with fewer than five apprentices.* A sponsor of a program in which fewer than five apprentices are indentured shall not be required to adopt an affirmative action plan under § 30.4 or a selection procedure under § 30.5.

### § 30.4 Affirmative action plans.

(a) *Adoption of affirmative action plans.* A sponsor's commitment to equal opportunity in recruitment, selection, employment, and training of apprentices shall include the adoption of a written affirmative action plan.

(b) *Definition of affirmative action.* Affirmative action is not mere passive nondiscrimination. It includes procedures, methods and program for the identification, positive recruitment, training, and motivation of present and potential minority group apprentices. It is action which will equalize opportunity in apprenticeship so as to allow full utilization of minority group manpower potential. The overall result to be sought is equal opportunity in apprenticeship for all individuals participating in or seeking entrance to the Nation's labor force.

(c) *Outreach and positive recruitment.* An acceptable affirmative action plan must also include adequate provision for outreach and positive recruitment

that would reasonably be expected to increase minority participation in apprenticeship by expanding the opportunity of minority persons to become eligible for apprenticeship selection. In order to achieve these objectives, sponsors shall undertake activities such as those listed below. It is not contemplated that each sponsor necessarily will include all of the listed activities in its affirmative action program. The scope of the affirmative action program will depend on all the circumstances including the size and type of the program and its resources. However, the sponsor will be required to undertake a significant number of appropriate activities in order to enable it to meet its obligations under this part. The affirmative action plan shall set forth the specific steps the sponsor intends to take in the areas listed below. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the requirements of this paragraph.

(1) Dissemination of information concerning the nature of apprenticeship, availability of apprenticeship opportunities, sources of apprenticeship applications, and the equal opportunity policy of the sponsor. For programs accepting applications only at specified intervals, such information shall be disseminated at least 30 days in advance of the earliest date for application at each interval. For programs customarily receiving applications throughout the year, such information shall be regularly disseminated but not less than semiannually. Such information shall be given to the Department, local schools, employment service offices, community organizations which can effectively reach minority groups, and published in newspapers which are circulated in the minority community as well as the general areas in which the program sponsor operates.

(2) Participate in annual workshops conducted by employment service agencies for the purpose of familiarizing school, employment service and other appropriate personnel with the apprenticeship system and current opportunities therein.

(3) Cooperation with local school boards and vocational education systems to develop programs for preparing students to meet the standards and criteria required to qualify for entry into apprenticeship programs.

(4) Internal communication of the sponsor's equal opportunity policy in such a manner as to foster understanding, acceptance, and support among the sponsor's various officers, supervisors, employees, and members and to encourage such persons to take the necessary action to aid the sponsor in meeting its obligations under this part.

(5) Engaging in programs such as outreach for the positive recruitment and preparation of potential applicants for apprenticeships; where appropriate and feasible, such programs shall provide for pretesting experience and training. If no



such programs are in existence, the sponsor shall seek to initiate these programs, or, when available, to obtain financial assistance from the Department. In initiating and conducting these programs, the sponsor may be required to work with other sponsors and appropriate community organizations.

(6) To encourage the establishment and utilization of programs of pre-apprenticeship, preparatory trade training, or others designed to afford related work experience or to prepare candidates for apprenticeship, a sponsor shall make appropriate provision in its affirmative action plan to assure that those who complete such programs are afforded full and equal opportunity for admission into the apprenticeship program.

(7) Utilization of journeymen to assist in the implementation of the sponsor's affirmative action program.

(8) Granting advance standing or credit on the basis of previously acquired experience, training, skills, or aptitude for all applicants equally.

(9) Admitting to apprenticeship persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations.

(10) Such other action as to insure that the recruitment, selection, employment, and training of apprentices during apprenticeship, shall be without discrimination because of race, color, religion, national origin, or sex; such as: General publication of apprenticeship opportunities and advantages in advertisements, industry reports, articles, etc.; use of present minority apprentices and journeymen as recruiters; career counseling; periodic auditing of affirmative action programs and activities; and development of reasonable procedures between the sponsor and employers of apprentices to insure that equal employment opportunity is being granted including reporting systems, on site reviews, briefing sessions, etc. The affirmative action program shall set forth the specific steps the program under this paragraph (c) sponsors intend to take, in the above areas. Whenever special circumstances warrant, the Department may provide such financial or other assistance as it deems necessary to implement the above requirements.

(d) *Goals and timetables.* (1) A sponsor adopting a selection method under § 30.5(b) (1) or (2) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of underutilization of minorities in the craft or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the admission of minority applicants into the eligibility pool.

(2) A sponsor adopting a selection method under § 30.5(b) (3) or (4) which determines on the basis of the analysis described in paragraph (e) of this section that it has deficiencies in terms of the underutilization of minorities in the craft

or crafts represented by the program shall include in its affirmative action plan percentage goals and timetables for the selection of minority applicants for the apprenticeship program.

(3) "Underutilization" as used in this paragraph refers to the situation where there are fewer minorities in the particular craft or crafts represented by the program than would reasonably be expected in view of an analysis of the specific factors in subparagraphs (1) through (5) in paragraph (e) of this section. Where, on the basis of the analysis, the sponsor determines that it has no deficiencies, no goals and timetables need be established. However, where no goals and timetables are established, the affirmative action plan shall include a detailed explanation why no goals and timetables have been established.

(4) Where the sponsor fails to submit goals and timetables as part of its affirmative action plan or submits goals and timetables which are unacceptable, and the Department determines that the sponsor has deficiencies in terms of underutilization of minorities within the meaning of this section, the Department shall establish goals and timetables applicable to the sponsor for the admission of minority applicants into the eligibility pool or selection of apprentices, as appropriate. The sponsor shall make good faith efforts to attain these goals and timetables in accordance with the requirements of this section.

(e) *Analysis to determine if deficiencies exist.* The sponsor's determination as to whether goals and timetables shall be established, shall be based on an analysis of at least the following factors, which analysis shall be set forth in writing as part of the affirmative action plan.

(1) The minority population of the labor market area in which the program sponsor operates;

(2) The size of the minority labor force in the program sponsor's labor market area;

(3) The percentage of minority participation as apprentices in the particular craft as compared with the percentage of minorities in the labor force in the program sponsor's labor market area;

(4) The percentage of minority participation as journeymen employed by the employer or employers participating in the program as compared with the percentage of minorities in the sponsor's labor market area and the extent to which the sponsor should be expected to correct any deficiencies through the achievement of goals and timetables for the selection of apprentices.

(5) The general availability of minorities with present or potential capacity for apprenticeship in the program sponsor's labor market area.

(f) *Establishment and attainment of goals and timetables.* The goals and timetables shall be established on the basis of the sponsor's analysis of its underutilization of minorities and its entire affirmative action program. In establishing the goals, the sponsor should con-

sider the results which could be reasonably expected from its good faith efforts to make its overall affirmative action program work. Compliance with these requirements shall be determined by whether the sponsor has met its goals within its timetable, or failing that, whether it has made good faith efforts to meet its goals and timetables. Its "good faith efforts" shall be judged by whether it is following its affirmative action program and attempting to make it work, including evaluation and changes in its program where necessary to obtain the maximum effectiveness toward the attainment of its goals.

(g) *Data and information.* The Secretary of Labor, or a person or agency designated by him, shall make available to program sponsors data and information on minority population and labor force characteristics for each Standard Metropolitan Statistical Area, and for other special areas as appropriate.

### § 30.5 Selection of apprentices.

(a) *Obligations of sponsors.* In addition to the development of a written affirmative action plan to insure that minorities have an equal opportunity for selection as apprentices and otherwise insure the prompt achievement of full and equal opportunity in apprenticeship, each sponsor shall further provide in its affirmative action program that the selection of apprentices shall be made under one of the methods specified in the following subparagraphs (1) through (4) of paragraph (b) of this section.

(b) *Selection methods.* The sponsor shall adopt one of the following methods for selecting apprentices:

(1) *Selection on basis of rank from pool of eligible applicants—(i) Selection.* A sponsor may select apprentices from a pool of eligible applicants created in accordance with the requirements of subdivision (iii) of this subparagraph on the basis of the rank order of scores of applicants on one or more qualification standards where there is a significant statistical and practical relationship between rank order of scores and performance in the apprenticeship program. In demonstrating such relationship, the sponsor shall follow the procedures set forth in the Department of Labor Order of September 9, 1968 (33 F.R. 14392, Sept. 24, 1968), covering the validation of employment tests of contractors and subcontractors subject to the provision of Executive Order 11246, as amended.

(ii) *Requirements.* The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (vii) of this subparagraph.

(iii) *Creation of pool of eligibles.* A pool of eligibles shall be created from applicants who meet the qualifications of minimum legal working age and the sponsor's minimum physical requirements; or from applicants who meet qualification standards in addition to minimum legal working age and the sponsor's minimum physical requirements: *Provided, That any additional*



qualification standards conform with the following requirements:

(a) *Qualification standards.* The qualification standards, and the procedures for determining such qualification standards, shall be stated in detail and shall provide criteria for the specific factors and attributes to be considered in evaluating applicants for admission to the pool. The score required under each qualification standard for admission to the pool shall also be specified. All qualification standards, and the score required on any standard for admission to the pool, shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score on the standards, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall follow the procedures set forth in the Department's testing order of September 9, 1968. Qualifications shall be considered as separately required so that the failure of an applicant to attain the specified score under a single qualification standard shall disqualify the applicant from admission to the pool.

(b) *Aptitude tests.* Any qualification standard for admission to the pool consisting of aptitude test scores shall be directly related to job performance, as shown by significant statistical and practical relationships between the score on the aptitude tests, and the score required for admission to the pool, and performance in the apprenticeship program. In determining such relationships, the sponsor shall follow the procedures set forth in the Department's testing order of September 9, 1968. The requirements of this item (b) shall also be applicable to aptitude tests utilized by a program sponsor which are administered by a State employment service agency, a private employment agency, or an other person, agency, or organization engaged in the selection or evaluation of personnel. A national test developed and administered by a national joint apprenticeship committee will not be approved by the Department unless such test meets the requirements of this subsection.

(c) *Educational attainments.* All educational attainments or achievements as qualifications for admission to the pool shall be directly related to job performance, as shown by a significant statistical and practical relationship between the score, and the score required for admission to the pool, and performance in the apprenticeship program. In demonstrating such relationships, the sponsor shall meet the requirements of the Department's testing order of September 9, 1968. School records or the results of general education development tests recognized by the State or local public instruction authority shall be evidence of educational achievement. Education requirements shall be applied uniformly to all applicants.

(iv) *Oral interviews.* Oral interviews shall not be used as a qualification standard for admission into an eligibility pool. However, once an applicant is placed in

the eligibility pool, and before he is selected for apprenticeship from the pool, he may be required to submit to an oral interview. Oral interviews shall be limited only to such objective questions as may be required to determine the fitness of applicants to enter the apprenticeship program, but shall not include questions relating to qualifications previously determined in gaining entrance to the eligibility pool. When an oral interview is used, each interviewer shall record his questions, the general nature of answers, and shall prepare a summary of any conclusions. Applicants rejected from the pool of eligibles on the basis of an oral interview shall be given a written statement of such rejection, the reasons therefor, and the appeal rights available to the applicant.

(v) *Notification of applicants.* All applicants who meet the requirements for admission shall be notified and placed in the eligibility pool. The program sponsor shall give each rejected applicant notice of his rejection including the reasons for his rejection, the requirements for admission to the pool of eligibles, and the appeal rights available to the applicant.

(vi) *Goals and timetables.* The sponsor shall establish, where required by § 30.4 (d), percentage goals and timetables for the admission of minority persons into the pool of eligibles, in accordance with the provisions of § 30.4 (d), (e), and (f).

(vii) *Compliance.* A sponsor shall be deemed to be in compliance with its commitments under subdivision (vi) of this subparagraph if it meets its goals or timetables or if it makes a good faith effort to meet these goals and timetables. In the event of the failure of the sponsor to meet its goals and timetables, it shall be given an opportunity to demonstrate that it has made every "good faith effort" to meet its commitments (see § 30.4(f)). All the actions of the sponsor shall be reviewed and evaluated in determining whether such good faith efforts have been made.

(2) *Random selection from pool of eligible applicants.*—(i) *Selection.* A sponsor may select apprentices from a pool of eligible applicants on a random basis. The method of random selection is subject to approval by the Department. Supervision of the random selection process shall be by an impartial person or persons selected by the sponsor, but not associated with the administration of the apprenticeship program. The time and place of the selection, and the number of apprentices to be selected, shall be announced. The place of the selection shall be open to all applicants and the public. The names of apprentices drawn by this method shall be posted immediately following the selection at the program sponsor's place of business.

(ii) The sponsor adopting this method of selecting apprentices shall meet the requirements of subdivisions (iii) through (v) of subparagraph (1) of this paragraph relating to the creation of pool of eligibles, oral interviews, and notification of applicants.

(iii) *Goals and timetables.* The sponsor shall establish, where required by

§ 30.4(d), percentage goals and timetables for the admission of minority persons into the pool of eligibles in accordance with the provisions of § 30.4 (d), (e), and (f).

(iv) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(3) *Selection from pool of current employees.*—(i) *Selection.* A sponsor may select apprentices from an eligibility pool of the workers already employed by the program sponsor in a manner prescribed by a collective bargaining agreement where such exists, or by the sponsor's established promotion policy. The sponsor adopting this method of selecting apprentices shall establish goals and timetables for the selection of minority apprentices, unless the sponsor concludes, in accordance with the provisions of § 30.4 (d), (e), and (f) that it does not have deficiencies in terms of underutilization of minorities in the apprenticeship of journeymen crafts represented by the program.

(ii) *Compliance.* Determinations as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b).

(4) *Alternative selection methods.*—(i) *Selection.* A sponsor may select apprentices by means of any other method, including its present selection method: *Provided,* That the sponsor meets the following requirements:

(a) *Selection method and goals and timetables.* Within 6 months of the effective date of this part, the sponsor shall submit to the Department a detailed statement of the selection method it proposes to use along with the rest of its written affirmative action program including, where required by § 30.4(d), its percentage goals and timetables for the selection of minority applicants for apprenticeship and its written analysis, upon which such goals and timetables, or lack thereof, are based. The establishment of goals and timetables shall be in accordance with the provisions of § 30.4 (d), (e), and (f). The sponsor may not implement any such selection method until the Department has approved the selection method as meeting the requirements of item (b) of this subdivision and has approved the remainder of its affirmative action program including its goals and timetables. If the Department fails to act upon the selection method and the affirmative action program within 30 days of its submission, the sponsor may implement the selection method on the effective date of this part.

(b) *Qualification standards.* Apprentices shall be selected on the basis of objective and specific qualification standards. Examples of such standards as fair aptitude tests, school diplomas, age requirements, occupationally essential physical requirements, fair interviews, school grades, and previous work experience. Where interviews are used,



adequate records shall be kept including a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, and willingness to accept direction which are part of the total judgment.

(ii) *Compliance.* Determination as to the sponsor's compliance with its obligations under these regulations shall be in accordance with the provisions of subdivision (vii) of subparagraph (1) of this paragraph (b). Where a sponsor, despite its good faith efforts, fails to meet its goals and timetables within a reasonable period of time, the sponsor may be required to make appropriate changes in its affirmative action program to the extent necessary to obtain maximum effectiveness towards the attainment of its goals. The sponsor may also be required to develop and adopt an alternative selection method, including a method prescribed by the Department, where it is determined that the failure of the sponsor to meet its goals is attributable in substantial part to the selection method. Where the sponsor's failure to meet its goals is attributable in substantial part to its use of a qualification standard which has adversely affected the opportunities of minority persons for apprenticeship, the sponsor may be required to demonstrate that such qualification standard is directly related to job performance, in accordance with the provisions of subparagraph (1) (iii) (a) of this paragraph.

#### § 30.6 Existing lists of eligibles and public notice.

A sponsor adopting a selection method under § 30.5(b) (1) or (2), and a sponsor adopting a selection method under § 30.5(b) (4) who determines that there are fewer minorities on its existing lists of eligibles than would reasonably be expected in view of the analysis described in § 30.4(e) shall discard all existing eligibility lists upon adoption of the selection methods required by this part. New eligibility pools shall be established and lists of eligibility pools shall be posted at the sponsor's place of business. Sponsors shall establish a reasonable period of not less than 2 weeks for accepting applications for admission to an apprenticeship program. There shall be at least 30 days of public notice in advance of the earliest date for application for admission to the apprenticeship program (see § 30.4(c) on affirmative action with respect to dissemination of information). Applicants who have been placed in a pool of eligibles shall be retained on lists of eligibles subject to selection for a period of 2 years. Applicants may be removed from the list at an earlier date by their request or following their failure to respond to an apprentice job opportunity given by registered return receipt mail notice. Applicants who have been accepted in the program shall be afforded a reasonable period of time in light of the customs and practices of the industry for reporting for work. All applicants shall be treated equally in determining such period of time. It shall be the responsibility

of the applicant to keep the sponsor informed of his current mailing address. A sponsor may restore to the list of eligibles an applicant who has been removed from the list at his request or who has failed to respond to an apprenticeship job opportunity.

#### § 30.7 [Reserved]

#### § 30.8 Records.

(a) *Obligations of sponsors.* Each sponsor shall keep adequate records including a summary of the qualifications of each applicant, the basis for evaluation and for selection or rejection of each applicant, the records pertaining to interviews of applicants, the original application for each applicant, information relative to the operation of the apprenticeship program, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay, or other forms of compensation or conditions of work, and any other records pertinent to a determination of compliance with these regulations, as may be required by the Department. The records pertaining to individual applicants, whether selected or rejected shall be maintained in such manner as to permit identification of minority participants.

(b) *Affirmative action plans.* Each sponsor must retain a statement of its affirmative action plan required by § 30.4 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of § 30.4. Sponsors shall periodically review their affirmative action plan and update it where necessary.

(c) *Qualification standards.* Each sponsor must maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in § 30.5(b).

(d) *Records of State Apprenticeship Councils.* State Apprenticeship Councils shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this part, as may be required by the Department, and shall report to the Department as may be required by the Department.

(e) *Maintenance of records.* The records required by this part and any other information relevant to compliance with these regulations shall be maintained for 5 years and made available upon request to the Department or other authorized representative.

#### § 30.9 Compliance reviews.

(a) *Conduct of compliance reviews.* The Department will regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with these regulations and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to § 30.11(b) (1) (i), so warrant,

and take appropriate action regarding programs which are not in compliance with the requirements of this part. Compliance reviews will consist of comprehensive analyses and evaluations of each aspect of the apprenticeship program, including on-site investigations and audits.

(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the reregistration process.

(c) *New registrations.* Sponsors seeking new registration shall be subject to a compliance review as described in paragraph (a) of this section by the Department as part of the registration process.

(d) *Voluntary compliance.* Where the compliance review indicates that the sponsor is not operating in accordance with this part, the Department shall notify the sponsor in writing of the results of the review and make a reasonable effort to secure voluntary compliance on the part of the program sponsor within a reasonable time before undertaking sanctions under § 30.13. In the case of sponsors seeking new registration, the Department will provide appropriate recommendations to the sponsor to enable it to achieve compliance for registration purposes.

#### § 30.10 Noncompliance with Federal and State equal opportunity requirements.

A pattern or practice of noncompliance by a sponsor (or where the sponsor is a joint apprenticeship committee, by one of the parties represented on such committee) with Federal or State laws or regulations requiring equal opportunity may be grounds for the imposition of sanctions in accordance with § 30.13 if such noncompliance is related to the equal employment opportunity of apprentices and/or graduates of such an apprenticeship program under this part. The sponsor shall take affirmative steps to assist and cooperate with employers and unions in fulfilling their equal employment opportunity obligations.

#### § 30.11 Complaint procedure.

(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes that he has been discriminated against on the basis of race, color, religion, national origin, or sex with regard to apprenticeship or that the equal opportunity standards with respect to his selection have not been followed in the operation of an apprenticeship program may, by himself or by an authorized representative, file a complaint with the Department, or with a private review body established pursuant to subparagraph (3) of this paragraph. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved, and a brief description of the circumstances of the failure to apply the equal opportunity standards provided for in this part.



(2) The complaint must be filed not later than 90 days from the date of the alleged discrimination of specified failure to follow the equal opportunity standards; and, in the case of complaints filed directly with review bodies designated by program sponsors to review such complaints, any referral of such complaint by the complainant to the Department must occur within the time limitation stated above or 30 days from the final decision of such review body, whichever is later. The time may be extended by the Department for good cause shown.

(3) Sponsors are encouraged to establish fair, speedy, and effective procedures for a review body to consider complaints of failure to follow the equal opportunity standards. A private review body established by the program sponsor for this purpose should number three or more responsible persons from the community serving in this capacity without compensation. Members of the review body should not be directly associated with the administration of an apprenticeship program. Sponsors may join together in establishing a review body to serve the needs of programs within the community.

(b) *Processing of complaints.* (1) (i) When the sponsor has designated a review body for reviewing complaints, and if the Department determines that such review body will effectively enforce the equal opportunity standards, the Department, upon receiving a complaint, shall refer the complaint to the review body.

(ii) The Department shall, within 30 days following the referral of a complaint to the review body, obtain reports from the complainant and the review body as to the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

(iii) When a complaint has not been resolved by the review body within 90 days or where, despite satisfactory resolution of the particular complaint by the review body, there is evidence that equal opportunity practices of the apprenticeship program are not in accordance with this part, the Department may conduct such compliance review as found necessary, and will take all necessary steps to resolve the complaint.

(2) Where no review body exists, the Department may conduct such compliance review as found necessary in order to determine the facts of the complaint, and obtain such other information relating to compliance with these regulations as the circumstances warrant.

#### § 30.12 Adjustments in schedule for compliance review of complaint processing.

If, in the judgment of the Department, a particular situation warrants and requires special processing and either expedited or extended determination, it shall take the steps necessary to permit such determination if it finds that no person or party affected by such determination will be prejudiced by such special processing.

#### § 30.13 Sanctions.

(a) Where the Department, as a result of a compliance review or other reason, determines that there is reasonable cause to believe that an apprenticeship program is not operating in accordance with this part and voluntary corrective action has not been taken by the program sponsor, the Department shall institute proceedings to deregister the program or it shall refer the matter to the Attorney General with recommendations for the institution of a court action by the Attorney General under title VII of the Civil Rights Act of 1964.

(b) Deregistration proceedings shall be conducted in accordance with the following procedures:

(1) The Department shall notify the sponsor, in writing, that a determination of reasonable cause has been made under paragraph (a) of this section and that the apprenticeship program may be deregistered unless, within 15 days of the receipt of the notice, the sponsor requests a hearing. The notification shall specify the facts on which the determination is based.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the sponsor mails a request for a hearing, the Secretary shall convene a hearing in accordance with § 30.16.

(3) The Secretary shall make a final decision on the basis of the record before him, which shall consist of the compliance review file and other evidence presented and, if a hearing was conducted pursuant to § 30.16, the proposed findings and recommended decision of the hearing officer. In his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with this part, the apprenticeship program shall be deregistered. In each case in which deregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor and the complainant, if any.

#### § 30.14 Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence to the Secretary that the apprenticeship program is operating in accordance with this part.

#### § 30.15 State Apprenticeship Councils.

(a) *Adoption of consistent State plans.*

(1) The Department shall encourage State Apprenticeship Councils to adopt and implement the requirements of this part.

(2) Each State Apprenticeship Council which, prior to the effective date of this part had in operation a State equal opportunity plan, shall submit a new State plan within 6 months from the effective date of this part. Such new State plan shall, as a prerequisite to approval by the Department, adopt and implement the requirements of this part. The new State plan shall also require all State apprenticeship programs regis-

tered with the State Apprenticeship Council to comply with the requirements of the new State plan within 1 year after the effective date of this part. No State Apprenticeship Council shall continue to be recognized by the Department if it has not adopted within 6 months after the effective date of this part a plan implementing the requirements of this part.

(3) The Department retains authority to conduct compliance reviews to determine whether the State plan or any State apprenticeship program registered with a State Apprenticeship Council is being administered or operated in accordance with this part.

(4) It shall be the responsibility of the State Apprenticeship Council to take the necessary action to bring a noncomplying program into compliance with the State plan. In the event the State Apprenticeship Council fails to fulfill this responsibility, the Secretary may withdraw the recognition for Federal purposes of any or all State apprenticeship programs, in accordance with the procedures for deregistration of programs registered by the Department, or refer the matter to the Attorney General with a recommendation for the institution by the Attorney General of a court action under title VII of the Civil Rights Act of 1964.

(5) Each State Apprenticeship Council shall notify the Department of any State apprenticeship program deregistered by it.

(6) Any State apprenticeship program deregistered by a State Apprenticeship Council for noncompliance with requirements of this part may, within 15 days of the receipt of a notice of deregistration, appeal to the Department to set aside the determination of the State Apprenticeship Council. The Department shall make its determination on the basis of the record. The Department may grant the State program sponsor, the State Apprenticeship Council and the complainant(s), if any, the opportunity to present oral or written argument.

(b) *Withdrawal of recognition.* (1) Whenever the Department determines that reasonable cause exists to believe that a State Apprenticeship Council has not adopted or implemented a plan in accordance with the equal opportunity requirements of this part, it shall give notice to such State Apprenticeship Council and to appropriate State sponsors of this determination, stating specifically wherein the State's plan fails to meet such requirements and that the Department proposes to withdraw recognition for Federal purposes, from the State Apprenticeship Council unless within 15 days of the receipt of the notice, the State Apprenticeship Council complies with the provisions of this part or mails a request for a hearing to the Secretary.

(2) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council neither complies with the provisions of this part, nor mails a request for a hearing, the Secretary



shall determine whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(3) If within 15 days of the receipt of the notice provided for in subparagraph (1) of this paragraph the State Apprenticeship Council mails a request for a hearing, the Secretary shall proceed in accordance with § 30.16.

(4) If a hearing is conducted in accordance with § 30.16, the Secretary upon receipt of the proposed findings and recommended decision of the hearing officer shall make a final decision whether the State Apprenticeship Council has adopted or implemented a plan in accordance with the equal opportunity requirements of this part.

(5) If the Secretary determines to withdraw recognition, for Federal purposes, from the State Apprenticeship Council he shall notify the State Apprenticeship Council of this determination. He shall also notify the State sponsors that within 30 days of the receipt of the notice the Department shall cease to recognize, for Federal purposes, each State apprenticeship program unless the State program sponsor requests registration with the Department. Such registration may be granted contingent upon finding that the State apprenticeship program is operating in accordance with the requirements of this part.

(6) A State Apprenticeship Council whose recognition has been withdrawn pursuant to this part may have its recog-

nition reinstated upon presentation of adequate evidence to the Secretary that it has adopted and implemented a plan carrying out the equal opportunity requirements of this part.

#### § 30.16 Hearings.

(a) Within 10 days of his receipt of a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor (Federal or State registered), the State Apprenticeship Council, or both, as the case may be. Such notice shall include (1) a reasonable time and place of hearing, (2) a statement of the provisions of this part pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his case including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

#### § 30.17 Intimidatory or retaliatory acts.

Any intimidation, threat, coercion, or retaliation by or with the approval of

any sponsor against any person for the purpose of interfering with any right or privilege secured by title VII of the Civil Rights Act of 1964, Executive Order 11246 of September 24, 1965, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding, or hearing under this part shall be considered non-compliance with the equal opportunity standards of this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing or judicial proceeding arising therefrom.

#### § 30.18 Nondiscrimination.

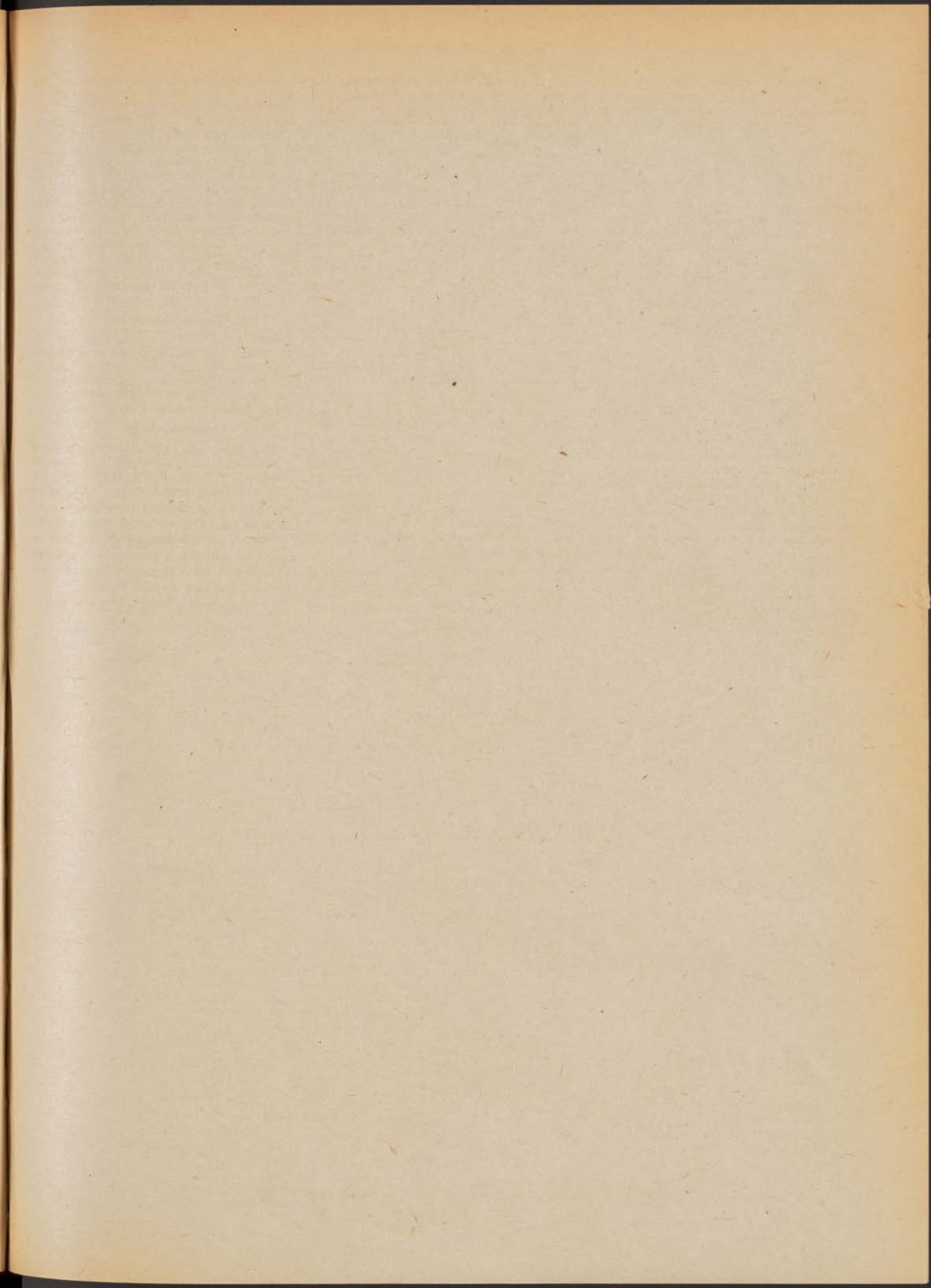
The commitments contained in the sponsor's affirmative action program are not intended and shall not be used to discriminate against any qualified applicant or apprentice on the basis of race, color, religion, national origin, or sex.

#### § 30.19 Exemptions.

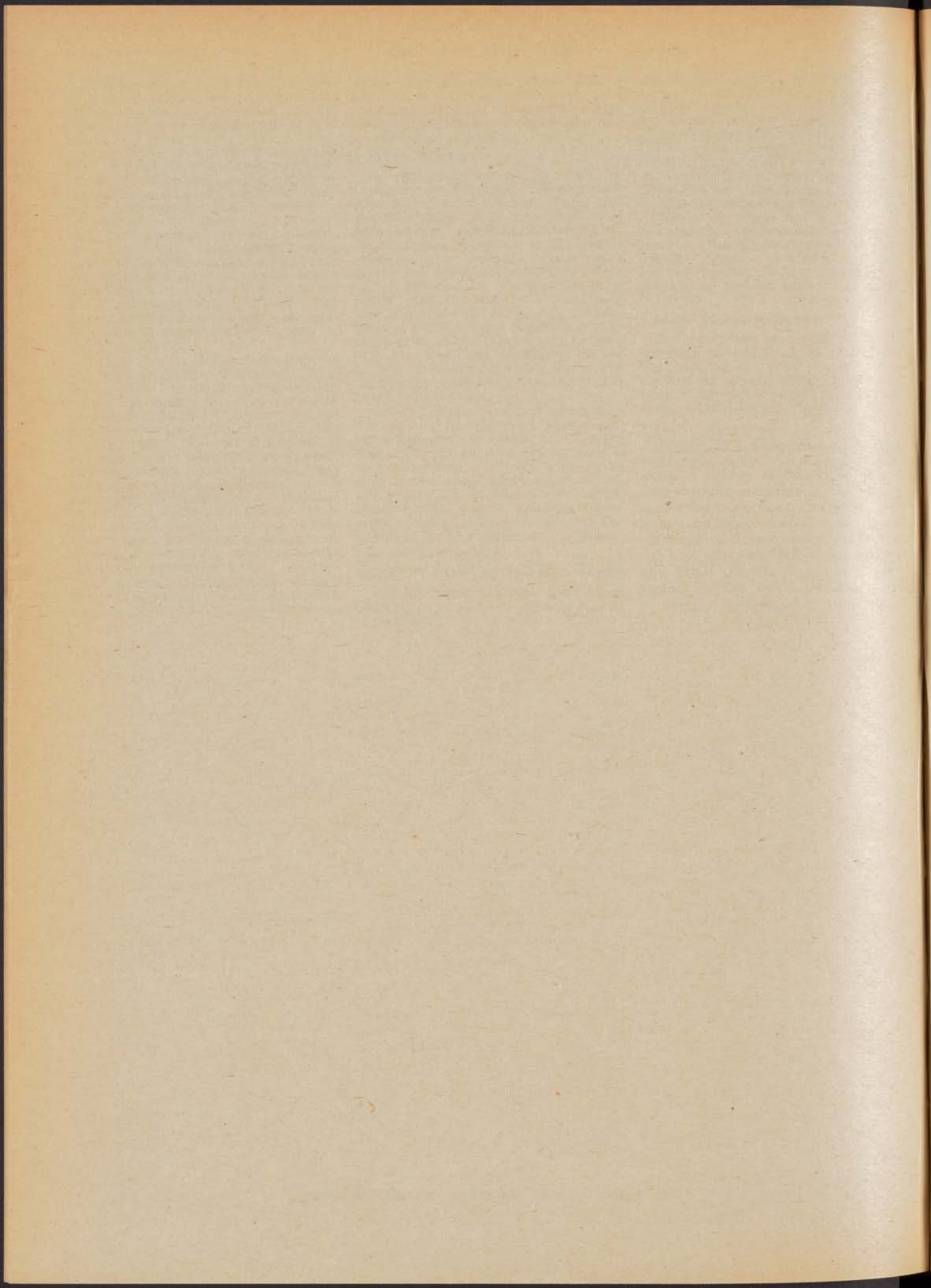
Requests for exemption from these regulations, or any part thereof, shall be made in writing to the Secretary, and shall contain a statement of reasons supporting the request. Exemptions may be granted for good cause. State Apprenticeship Councils shall notify the Department of any such exemptions granted affecting a substantial number of employers and the reasons therefor.

[FR Doc.71-4725 Filed 4-7-71;8:45 am]

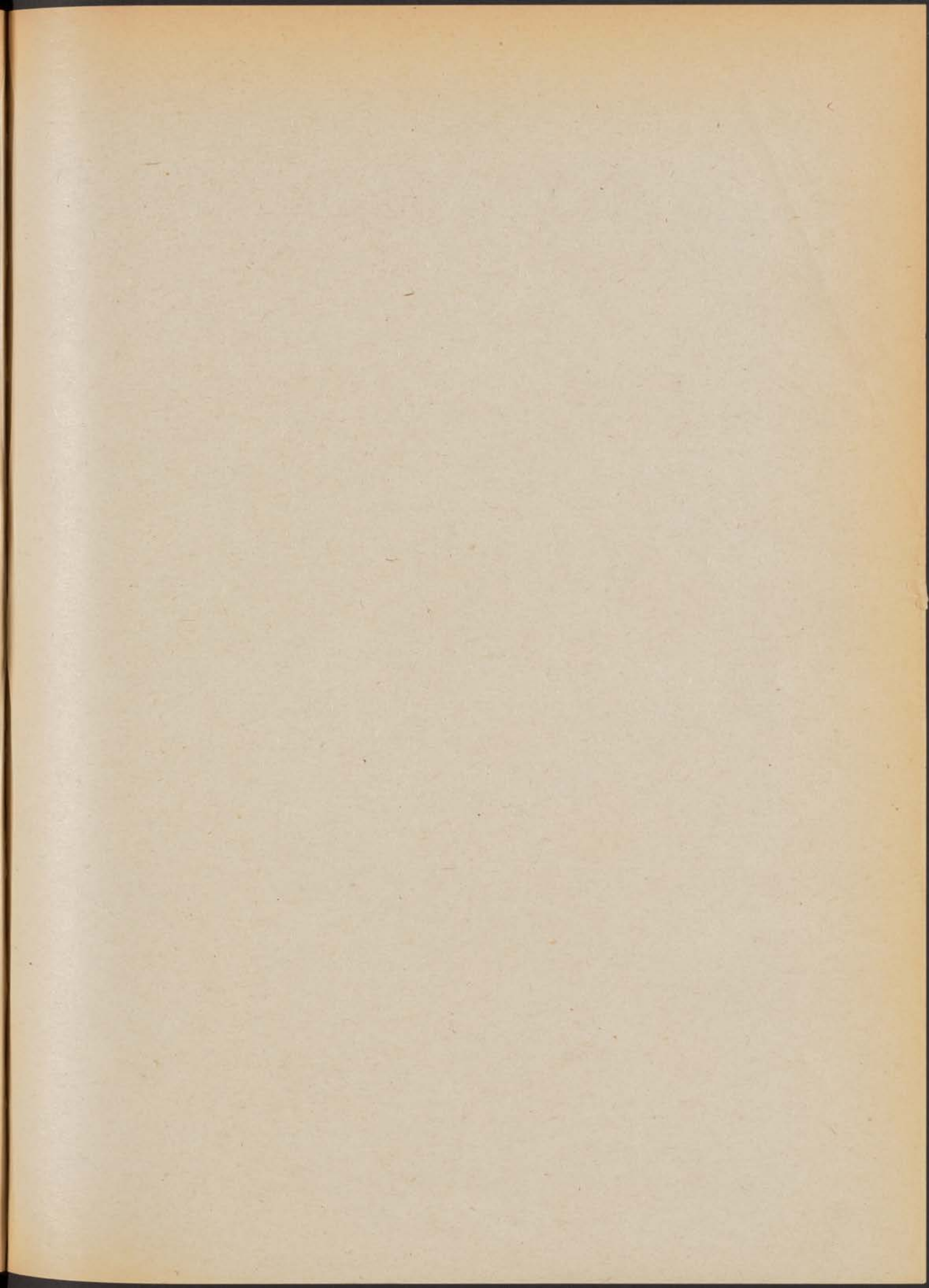








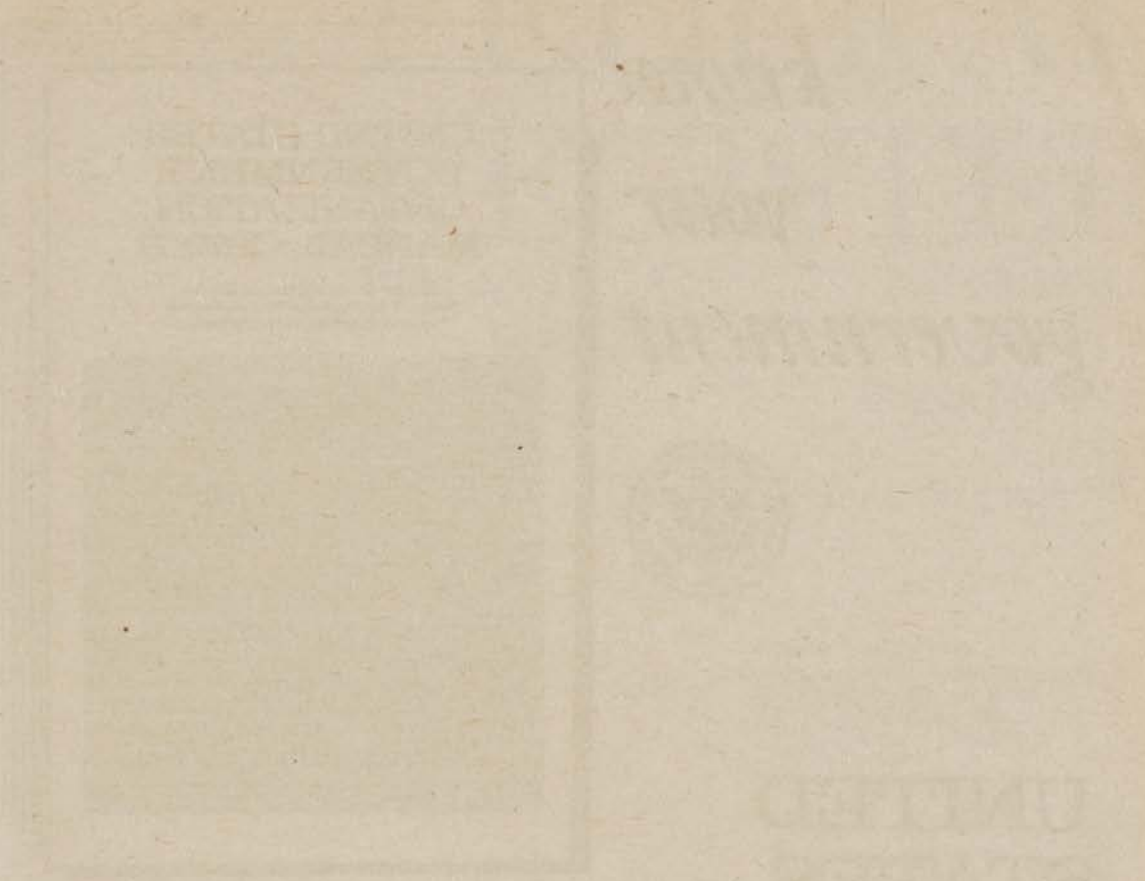












UNITED STATES GOVERNMENT  
ORGANIZATION MANUAL  
1950-51

The following information is for the use of the Bureau of the Census in the preparation of the annual report on the organization of the Federal Government. It is intended to provide a summary of the organization of the Federal Government for the year 1950-51.

1. The Bureau of the Census is a part of the Department of Commerce. It is responsible for the collection, analysis, and dissemination of statistical information about the United States. The Bureau's work is essential for the development of public policy and for the understanding of the economic and social conditions of the country.

2. The Bureau of the Census is organized into several divisions and offices. The main divisions are the Statistical Administration Division, the Statistical Operations Division, and the Statistical Services Division. Each division is responsible for a specific aspect of the Bureau's work.

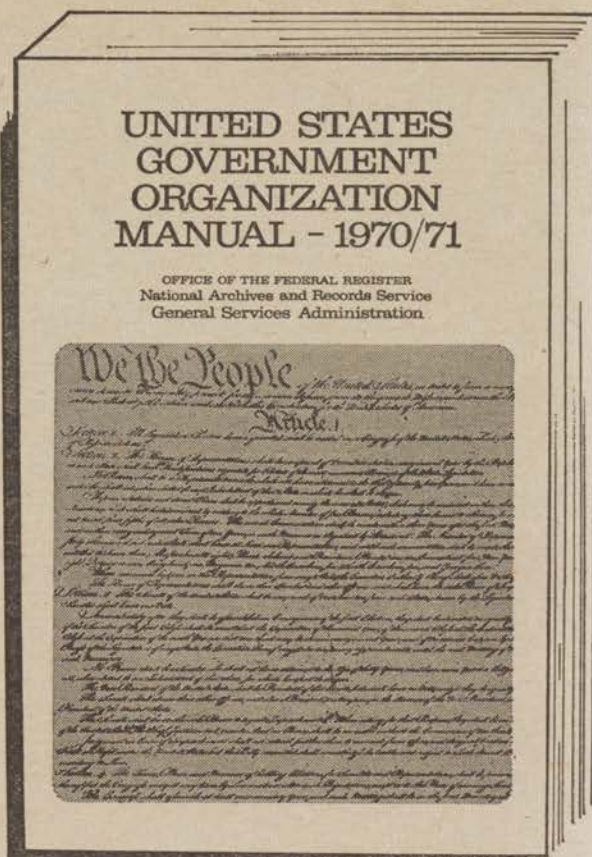


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