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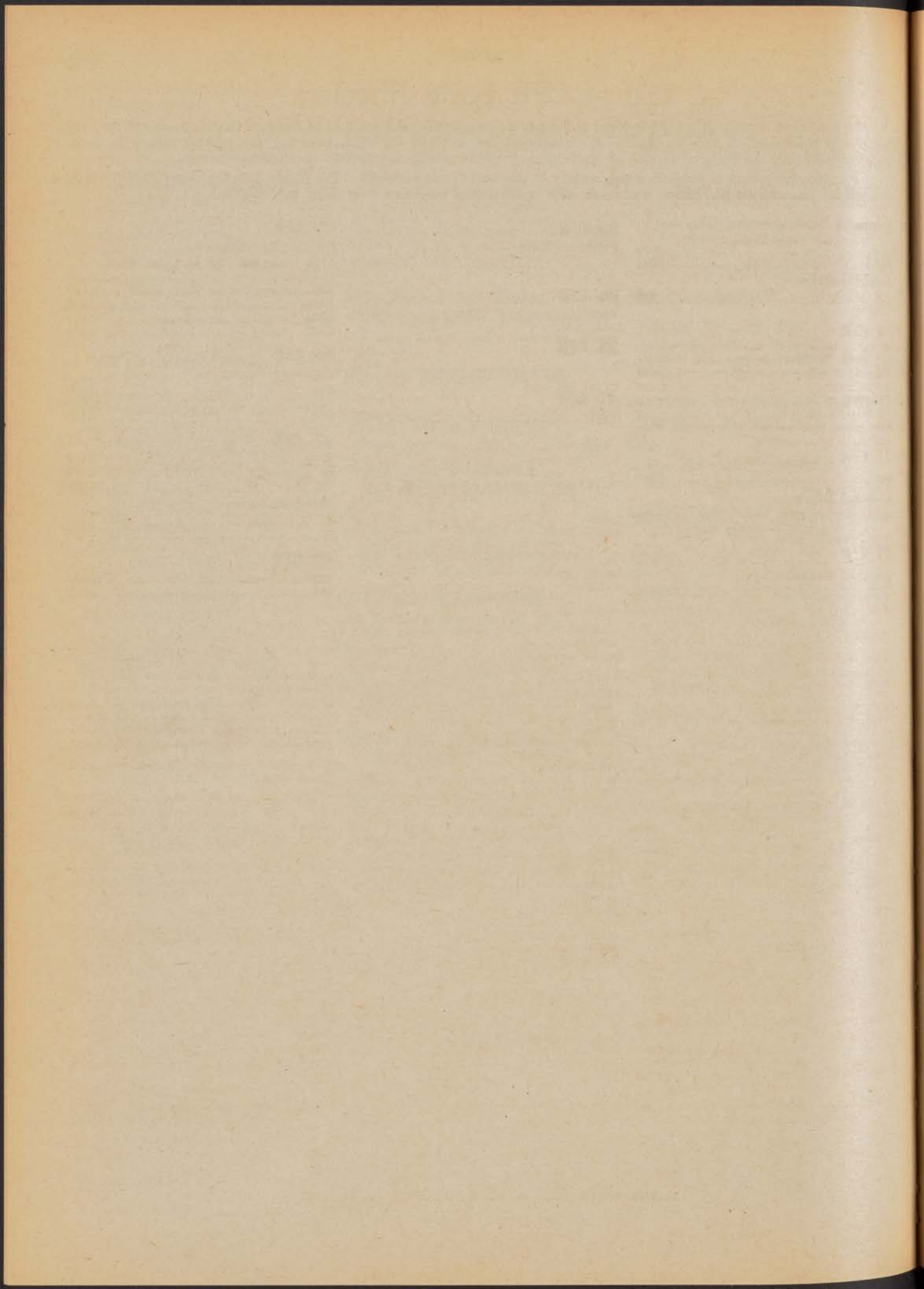
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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 19—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The rules issued herein are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971, and action under that law is dependent upon these regulations. Also, these are interim regulations. Accordingly, it is found upon good cause that notice of proposed rule making is not possible.

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- 19.901 Annual report.

AUTHORITY: The provisions of this Part 19 issued under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.

Subpart—Policies

§ 19.101 Purpose.

The regulations in this part prescribe policies and procedures for the U.S. Department of Agriculture in implementing

the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 (84 Stat. 1894) herein called the Act. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federal financially assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federal financially assisted programs.

§ 19.102 Effective date.

The regulations in this part shall be effective on and after January 2, 1971.

§ 19.103 Displacement notice—Application for relocation assistance.

Written notice of displacement served personally or by first-class mail will be given to each person, family, business, or farm. A displaced person, business, or farm operation must make proper application to the displacing agency for relocation assistance payments. A displaced person, business, or farm operation who makes proper application will be paid promptly after a move. If the agency head determines that delaying payment until after the move will create a hardship, he will authorize a payment to be advanced.

§ 19.104 Appeal rights.

Any person aggrieved by a determination as to eligibility for relocation payment, or the amount of a payment, in a Federal project may have his application reviewed by the Secretary of Agriculture or his designee, or in the case of a project receiving Federal financial assistance, by the head of the State agency.

§ 19.105 Leasing to former owner or tenant.

The agency head in the case of a Federal project or the head of the State agency in the case of a Federal financially assisted project may permit use of or lease realty back to former owners or tenants for a period of not more than 1 year, and may also extend or renew such permits or leases for successive periods of not more than 1 year.

§ 19.106 Assurance of replacement dwelling prior to displacement.

No phase of any project will be initiated or continued if that phase will cause the displacement of any person until the agency has determined on the basis of a current survey and analysis of available replacement housing that prior to displacement there will be available for each displaced person a replacement dwelling.

§ 19.107 Adjustments.

The agency head may make adjustments in the requirements for decent, safe, and sanitary dwellings only in cases of unusual circumstances.

§ 19.108 Waiver.

In emergencies or other extraordinary situations where immediate possession of real property is crucial, the agency head may waive the requirements of § 19.106. Each such waiver must be reported through administrative channels to the Director, Office of Management and Budget.

§ 19.109 Criteria for new construction and loans.

The Department and State agencies will be guided by criteria and procedures issued by the Secretary of Housing and Urban Development relating to (a) determination of necessity to construct replacement housing for displaced persons, and (b) loans for planning and other preliminary expenses for additional housing for displaced persons.

Subpart—Definitions

§ 19.201 Agency head.

The head of the agency of the Department responsible for the project which requires land acquisition or displacement, or any individual authorized to act for him in implementing these regulations.

§ 19.202 Business.

(a) Any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Outdoor advertising signs erected and maintained for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services whether or not located on the premises of the foregoing businesses.

(b) Part-time family occupations which do not contribute materially to the income of the displaced person, such as newspaper routes and part-time typing, do not come within the definition of business.

(c) A warehouse or other facility acquired, which is operated in conjunction with a business not acquired, is not a business.

§ 19.203 Decent, safe, and sanitary dwelling.

A dwelling which is in good repair and in sound and weather-tight condition, which meets local housing codes, if any, and also meets the following requirements:

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(b) *Nonhousekeeping unit.* A non-housekeeping unit is one which meets local code standards for boarding houses, hotels or other congregate living.

§ 19.204 Department.

The U.S. Department of Agriculture.

§ 19.205 Displacing agency.

The agency in the Department for Federal projects, and the State agency for Federal financially assisted project, which acquires real property.

§ 19.206 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the actual acquisition of such real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program or project undertaken by the Department or with Federal financial assistance provided by the Department. If a person moves as the result of such a notice, it makes no difference whether or not the real property actually is acquired.

§ 19.207 Dwelling.

The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling. It does not include seasonal or part-time dwelling units, such as beach houses, mountain or other vacation cabins.

§ 19.208 Economic rent.

Economic rent is the amount of rent the displaced person would have had to pay for a similar dwelling unit located in an area not generally less desirable than the location of the dwelling to be acquired.

§ 19.209 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 19.210 Farm operation.

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 19.211 Federal financially assisted program or project.

Any program or project administered by the Department or by a State agency in which a grant, loan, or contribution is provided to the State agency by the

Department. Federal contracts of guaranty or insurance are excluded.

§ 19.212 Federal program or project.

Any program or project administered by the Department in which real property interest is acquired by, remains in, or is transferred to Federal ownership or control.

§ 19.213 Initiation of negotiations.

The date the acquiring agency makes the first contact with the owner or his representative and discusses a price for the real property to be acquired.

§ 19.214 Mortgage.

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 19.215 Owner.

A person who holds fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from the date of acquisition of the property or has an interest in a cooperative housing project which includes a proprietary right of occupancy of a dwelling unit, excluding lease, or is the contract purchaser of any such estates or interests.

§ 19.216 Person.

Any individual, partnership, corporation, or association.

§ 19.217 Rental rate.

The amount paid or determined to be appropriate for the bare premises exclusive of such items as utilities and other services.

§ 19.218 Replacement dwelling.

A dwelling which is comparable to the acquired dwelling and is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms; areas of living space; age; and state of repair.

(c) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of Title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to public utilities and public, commercial, and community facilities.

(e) Reasonably accessible to the displaced person's place of employment.

(f) Adequate to accommodate the displaced person.

(g) Available on the market to the displaced person at rents or prices within the financial means of the displaced person.

§ 19.219 State.

Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States,

the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 19.220 State agency.

Any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

§ 19.221 Tenant.

A person who leases, rents, lawfully occupies or temporarily possesses real or personal property of another by any kind of right.

Subpart—Moving and Related Expenses

§ 19.301 Recipient eligibility.

A displaced person, business, or farm operation who submits a proper application to the displacing agency is eligible to receive payments for moving and related expenses. Moving and related expenses are payable as actual reasonable expenses described in § 19.303 or a fixed relocation payment described in § 19.304.

§ 19.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family, who is displaced from a dwelling may elect to receive either the payment described in § 19.303 (a) or the fixed payment described in § 19.304(a) except:

(1) Two or more persons, not a family, living together in a single family dwelling who are displaced from the dwelling will be regarded as one displaced person insofar as their eligibility for receiving the fixed payment for moving expenses described in § 19.304(a). Each individual in such group is eligible to receive actual moving and related expenses described in § 19.303(a) if the group does not elect to receive the fixed payment.

(2) No member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

(3) Any person other than a member of the family who is renting a room within the dwelling unit is eligible for moving expenses under § 19.303(a), but is not eligible to elect to receive the fixed payment in § 19.304(a).

(b) Any displaced business or farm operation may elect to receive either the payment described in § 19.303 or the payment described in § 19.304.

(c) Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling is eligible for payments for actual moving and related expenses for both dwelling and business described in § 19.303 or may elect to receive the fixed payments for both dwelling and business described in § 19.304, or he may elect to receive payment for the dwelling under one alternate and payment for the business under the other alternate.

(d) A person who lives on his business or farm property and is displaced from both his dwelling and business or farm property may elect to receive either the

payment described in § 19.303 or the fixed payment described in § 19.304 for the dwelling and business or farm operation; or he may elect to receive payment for the dwelling under one alternate and payment for the business or farm operation under the other alternate.

(e) A person who is displaced from a business or farm operation which results in such person moving from a nearby dwelling may elect to receive for moving from the dwelling either the payment described in § 19.303(a) or the fixed payment described in § 19.304(a).

§ 19.303 Actual expenses payment.

(a) Actual reasonable expenses specified in § 19.305 in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses specified in § 19.306 of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expense specified in § 19.307 in searching for a replacement business or farm.

§ 19.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive, in lieu of reimbursement for actual expenses described in § 19.303(a), a moving expense allowance not in excess of \$300 based on schedules maintained by State highway departments, plus a dislocation payment of \$200.

(b) A displaced person who is displaced from his place of business, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expense, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 19.308 provided:

(1) The business cannot be relocated without a substantial loss of its existing patronage. The displacing agency will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, and the relative importance of the present and proposed locations to the displaced business.

(2) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business.

(c) A displaced person who is displaced from his farm operation, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expenses, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the farm operation.

(d) The payment provided in paragraphs (b) and (c) of this section shall be not less than \$2,500 nor more than \$10,000.

§ 19.305 Actual reasonable expenses in moving.

(a) *Items to be included in determining reasonable expenses.* (1) Transportation of individuals, families, and property from acquired site to the replacement site, not to exceed an airline distance of 50 miles, except where the displacing agency determines that relocation cannot be accomplished within the prescribed area.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is desirable.

(4) Storage of personal property for a period determined by the displacing agency to be necessary.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and re-establishment of machinery, equipment, appliances, and other items of personal property not acquired, including reconnection of utilities, which do not constitute an improvement to the replacement site. Prior to payment for any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible by the agency head.

(b) *Items to be excluded in determining reasonable expenses.* (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Modification of personal property to adapt it to the replacement site.

(11) Such other items as the agency head determines should be excluded.

(c) *Limitations.* (1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving.

(2) If an item of personal property used in connection with a business or

farm operation is not moved, but sold and promptly replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving, whichever is less.

(3) If personal property used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of removing, moving, reinstallation and reestablishment would be disproportionate in relation to the value, in the judgment of the displacing agency, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market.

§ 19.306 Actual direct losses, business, or farm operations.

Payments for actual direct losses of tangible personal property are allowed where a person who is displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. Typical items of property that may cause such direct losses include equipment, machinery, or fixtures which are no longer required, where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

(a) If the displaced person does not move the personal property he shall make a bona fide effort to sell it.

(b) If personal property is sold and not replaced and the business or farm operation is reestablished, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(c) If the business or farm operation is discontinued, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(d) If personal property is abandoned, the displaced person is entitled to the difference between the estimated replacement value and the estimated amount that would have been received for the sale of the property, but not to exceed the estimated cost of moving.

(e) If the business or farm operation is discontinued, the distance to be used in estimating the moving cost shall be 25 miles.

§ 19.307 Actual reasonable expenses in searching, business, and farm operation.

A displaced person whose business or farm is acquired may be reimbursed for his actual reasonable expenses of searching for a replacement business or farm location. The maximum amount allowable for searching expenses is \$500 for each displaced business or farm unless the agency head determines that a

greater amount is justified based on the circumstances involved. Payment for these expenses are further limited to:

(a) *Travel.* (1) Actual cost of common carrier.

(2) Ten cents per mile for use of privately owned vehicle.

(b) *Meals and lodging.* (1) Three dollars per meal but not to exceed \$9 per day per individual.

(2) Actual cost of lodging, but not to exceed \$20 per day per individual.

(c) *Time.* Time spent in searching at a flat rate of \$3 per hour, or at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour. The maximum time allowed shall not exceed 8 hours each day.

(d) *Realtor assistance.* Broker or realtor fees to locate a replacement business or farm operation only when the agency head determines in advance that it is necessary.

§ 19.308 Determination of average annual net income.

The average annual net income will be one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes for the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Another period may be approved by the agency head if the business or farm operation was not in operation for the full 2-year period or if an unusually long time lag between public announcement of a project and the displacement results in a material reduction in the earnings of the business for such 2-year period, or under other conditions clearly warranting a different period. The business or farm operation will be required to furnish pertinent returns filed with the Internal Revenue Service for the applicable period, or other acceptable evidence of earnings if not required to file returns.

Subpart—Replacement Housing Payments for Homeowners (Over 180 days)

§ 19.401 Eligibility.

A displaced owner-occupant of an acquired dwelling is eligible for a replacement housing payment under this subpart of not to exceed \$15,000 if he:

(a) Actually owned and occupied the acquired dwelling for not less than 180 days immediately prior to initiation of negotiations for the property; and

(b) Purchases and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date. Purchase of a replacement dwelling shall mean (1) acquisition of an existing dwelling, (2) acquisition and rehabilitation of a sub-

standard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

§ 19.402 Certification of eligibility.

Whenever a displaced person is eligible for a payment under this subpart except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(a) The eligibility of the displaced person for a payment.

(b) The requirements that must be satisfied before such payment can be made.

(c) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available, and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

§ 19.403 Selecting a method for determining purchase price for a replacement dwelling.

The displacing agency may determine the amount necessary to purchase a replacement dwelling by: (a) A schedule method in which the displacing agency establishes a schedule of reasonable acquisition cost for replacement dwellings that are available on the private market in the various types of dwellings to be acquired. This schedule should be based on current analysis of the market; or by: (b) The comparative method in which the displacing agency determines the price of a replacement dwelling by selecting one or more dwellings that are most representative of the dwelling unit acquired, and are available to the displaced person. A single dwelling shall only be used when additional comparable dwellings are not available. Asking prices are to be adjusted to reflect market sale experience.

§ 19.404 Coordination among displacing agencies.

When more than one agency, department or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of sale housing in the community or area.

§ 19.405 Costs eligible for payment by displacing agency.

Costs eligible for payment by the displacing agency under this subpart are:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost determined by the displacing agency for a replacement dwelling, the displacing agency shall pay not more under this item than the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no payment is allowable under this paragraph (a).

(b) The amount, if any, which will compensate the displaced person for any increased interest cost and points which such person is required to pay for financing the acquisition of the replacement dwelling, provided that the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. This amount shall be computed on the basis of and limited to:

(1) The amount of the unpaid debt at the time of acquisition of the real property;

(2) The length of the remaining term of the mortgage at the time of acquisition;

(3) The prevailing interest rate and points currently charged by mortgage lending institutions in the vicinity; and

(4) The present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses, as determined by the agency head, incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses:

(1) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(2) Lenders, FHA or VA appraisal fee.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policy, certificate of title, or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

§ 19.406 General.

(a) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(b) Payment under this subpart will not affect the eligibility of the displaced owner-occupant to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(c) Two or more individuals, living together in a single family dwelling will be regarded as one owner-occupant for the purpose of this subpart.

Subpart—Replacement Housing for Tenants and Certain Others

§ 19.501 Eligibility.

(a) This subpart is applicable to a displaced person who:

(1) Is a tenant.

(2) Is an owner-occupant who elects to lease or rent rather than purchase a replacement dwelling, or elects to purchase a replacement dwelling but has occupied the acquired dwelling for less than the 180 days required by §§ 19.401 to 19.406.

(3) Leases and occupies a site for a mobile home when such site is acquired, but only to the extent specified in § 19.509.

(b) A displaced person is eligible for a replacement housing payment under this subpart if he:

(1) Actually and lawfully occupied the acquired dwellings, or site in the case of a mobile home, for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the property.

(2) Rents or purchases and occupies a replacement dwelling not later than the end of the 1-year period, except as specified in § 19.508(a), beginning on the date on which he:

(i) If a tenant, moves from the acquired dwelling.

(ii) If a mobile home occupant, moves from the acquired site.

(iii) If an owner-occupant, receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or

the date on which he moves from the acquired dwelling, whichever is the later date.

(c) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(d) Payment under this subpart will not affect the eligibility of the displaced person to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(e) Two or more individuals living together in a single family dwelling displaced from the dwelling will be regarded as one displaced person.

§ 19.502 Maximum payment.

The maximum payment which may be made under this subpart is \$4,000, except that when the payment is made in connection with the purchase of a replacement dwelling, any amount in excess of \$2,000 for the down payment and expenses specified in § 19.508(c) must be matched by the displaced person.

§ 19.503 Selecting a method for determining rental rate for a replacement dwelling.

The displacing agency may determine the amount necessary to rent a replacement dwelling for a displaced tenant by:

(a) A schedule method in which the displacing agency establishes a rental schedule for renting replacement dwellings of the various types of dwellings needed that are available on the private market. This schedule should be based on current analysis of the market; or by

(b) The comparative method in which the displacing agency establishes an average monthly rental rate for a replacement dwelling by selecting one or more dwellings that are available on the private market, available to the displaced person, and are most representative of the dwelling unit acquired.

§ 19.504 Coordination among displacing agencies.

When more than one agency, departmental or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of rental housing in the community or area.

§ 19.505 Computing rental payments for displaced tenants renting replacement housing.

(a) The displacing agency shall compute the amount of the payment to the tenant as follows:

(1) Multiply the monthly rental rate of the replacement dwelling by 48.

(2) Determine the average monthly rental rate paid by the displaced tenant for the acquired dwelling in the last 3

months prior to initiation of negotiations, provided such rent was reasonable. If such average rent paid was not reasonable, the displacing agency may use an economic rent amount for the acquired dwelling. If the displacing agency deems it advisable, more than 3 months may be used as a base for determining the average rental rate.

(3) Multiply the average monthly rental rate for the acquired dwelling as determined in subparagraph (2) of this paragraph, by 48.

(4) Subtract from the amount for the replacement dwelling as determined in subparagraph (1) of this paragraph, the amount for the acquired dwelling as determined in subparagraph (3) of this paragraph.

(b) If the displaced tenant is paying rent for the acquired dwelling to the displacing agency, economic rent shall be used in making the determination required by paragraph (a)(2) of this section.

§ 19.506 Computing rental payments for displaced owner-occupants renting replacement housing.

The displacing agency shall compute the amount of the payment to the displaced owner-occupant in the same manner as prescribed in § 19.505, except that economic rent shall be used in making the determination required by § 19.505 (a) (2), however, the amount paid shall not exceed that which would have been paid to the displaced owner-occupant had he been eligible for and elected to purchase a replacement dwelling under the provisions of §§ 19.401 to 19.406.

§ 19.507 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of \$500, payment will be made in four equal annual installments at the beginning of each annual period, provided that the displacing agency determines that the tenant is continuing to occupy decent, safe and sanitary housing at the beginning of each annual period.

(b) If the total rental payment to be made to the displaced person is \$500 or less, the payment shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. The displacing agency need not thereafter determine whether occupancy of decent, safe and sanitary housing is continued.

§ 19.508 Purchase of a replacement dwelling.

(a) If a displaced person eligible under this subpart elects to purchase rather than rent a replacement dwelling, purchase of a replacement dwelling shall mean: (1) Acquisition of an existing dwelling, (2) acquisition and rehabilitation of a substandard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or ac-

quires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupied the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

(b) Whenever a displaced person is eligible for a payment under this section except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(1) The eligibility of the displaced person for a payment.

(2) The requirements that must be satisfied before such payment can be made.

(3) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available; and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

(c) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover expenses on the purchase of the replacement housing.

(1) The amount necessary for the down payment shall be based on the amount required for a conventional loan.

(2) Reasonable expenses, as determined by the displacing agency incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses;

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders, FHA or VA appraisal fee.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA.

(v) Credit report.

(vi) Title policy, certificate of title, or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps, or sale or transfer taxes.

(d) The full amount of the payment must be applied as follows:

(1) The amount allowed for the down payment must be applied to the purchase price.

(2) The amount allowed for incidental costs must be applied to the incidental costs.

(3) The down payment and incidental costs must be shown separately on the closing statement.

§ 19.509 Mobile home site.

If real property is acquired on which a displaced person leases and occupies a site for a mobile home, the following reasonable costs as determined by the displacing agency are allowable and payable in a lump sum:

(a) Moving the mobile home to a replacement site located not more than 50 airline miles from the acquired site.

(b) Detaching and reattaching fixtures and appurtenances, where applicable.

Subpart—Relocation Assistance Advisory Services

§ 19.601 Policy.

Whenever the acquisition of real property for a Federal or Federal financially assisted program or project will result in the displacement of any person, the displacing agency shall provide a relocation assistance advisory program for displaced persons. If such agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, that agency shall offer such person relocation advisory services.

§ 19.602 Cooperation with other Federal and State agencies.

When more than one agency, Departmental or otherwise, is administering a relocation assistance advisory program which may be of assistance in the community or area to persons displaced under other programs, the head of that agency shall offer to cooperate to the maximum extent feasible with the other Federal or State agency causing displacements to assure that all displaced persons receive the maximum assistance available to them. The displacing agency may, by contract or otherwise, secure relocation assistance advisory services from any Federal, State, or local governmental agency or from any person or organization.

§ 19.603 Advisory services.

Each relocation assistance advisory program shall include such measures, facilities or services as may be necessary or appropriate in order to:

(a) Determine the need, if any, of displaced persons for relocation assistance.

(b) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sale and rental housing.

and of comparable commercial properties and locations for displaced businesses and farm operations.

(c) Assure that, within a reasonable period of time prior to displacement, replacement dwellings will be available.

(d) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(e) Supply information concerning housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(g) Advise displaced persons that they should notify the displacing agency before they move, and

(h) Prior to initiation of acquisition, provide persons from whom it is planned to acquire land a brochure or pamphlet outlining the benefits to which they may be entitled.

Subpart—Federal Financially Assisted Projects

§ 19.701 Assurances by State agency.

(a) The agency head shall not approve a grant to or contract or agreement with a State agency unless he receives satisfactory assurances from such State agency that

(1) relocation payments, relocation assistance, and relocation assistance services will be provided and replacement dwellings will be available as provided in these regulations; and (2) in acquiring real property it will be guided to the greatest extent practicable under state law by the land acquisition policies provided in §§ 19.801 to 19.809.

(b) Prior to July 1, 1972, if a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement to the effect shall be supported by an opinion of the chief legal officer of the State, containing a full discussion of the facts and law involved. The agency head may accept this statement or the assurances so qualified as constituting compliance with this section.

(c) A grant to or contract or agreement with a State agency shall contain provisions requiring the State agency to comply with these regulations to the extent determined under this section.

§ 19.702 Execution and amendment of agreements.

Any grant to, or contract or agreement with a State agency under which Federal financial assistance is made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall include or be amended to include the cost of providing payments and services set forth in these regulations except as provided in §§ 19.704 and 19.707.

§ 19.703 Project cost.

The cost to a State agency of providing payments and assistance pursuant to

these regulations shall be included as part of the cost of a program or project for which the Department furnishes financial assistance. The State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs. Project as used in this section shall be the works of improvement causing the displacement.

§ 19.704 Payment by Department.

When the Federal financial assistance is by grant or contribution, or when an existing grant to, or contract or agreement with a State agency, is amended as specified in § 19.702, the Department will pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person, business, or farm operation on account of any individual acquisition or displacement occurring prior to July 1, 1972. When the Federal financial assistance is by loan, the Federal agency will loan the State agency the full amount of the first \$25,000 of such cost.

§ 19.705 Exception.

No payment or assistance under these regulations will be required of a State agency, or included as a program or project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by the agency head to have substantially the same purpose and effect as the payment and assistance required by these regulations.

§ 19.706 Advances by Department.

After amendment as provided in § 19.702 or for a grant, contract or agreement made on or after January 2, 1971, if the agency head determines that it is necessary for the expeditious completion of a project, he may advance to the State agency, the Federal share of the cost of any payments or assistance required by these regulations.

§ 19.707 Housing standards.

The State agency will determine whether the replacement dwelling meets the standards prescribed under these regulations.

§ 19.708 Organization and facilities.

It will be the responsibility of the agency head to determine that the State agency provides adequate personnel and facilities to enable it to provide the payments and services required by these regulations.

§ 19.709 Compliance.

The Department will provide for the making of periodic inspections to ascertain whether payments and services are being accomplished and whether there is compliance otherwise with the assurances furnished.

§ 19.710 Records.

The grant to, or contract or agreement with the State agency shall provide that it will maintain such records as may be specified by the agency head for a period of 3 years and make them available to

the agency head for inspection and audit at reasonable times.

§ 19.711 Performance by contract.

(a) When authorized by the agency head a State agency may contract for the services specified for §§ 19.301 through 19.603 with any person or organization if it finds that such contract will prevent unnecessary expense, avoid duplication of functions, and promote uniform administration of relocation assistance programs.

(b) The solicitation of proposals, contract provisions, and administration shall be in accordance with State laws and procedures prescribed by the agency head, but shall as a minimum include provisions:

(1) Required by Federal regulations implementing title VI of the Civil Rights Act of 1964 (Public Law 88-352), and

(2) Requiring records relating to the contract to be maintained for a period of not less than 3 years and be available for inspection by representatives of the State agency and the agency head.

(c) In furnishing housing to the extent authorized under criteria and procedures set forth in § 19.109, the State agency shall, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration and conduct of similar housing assistance activities.

§ 19.712 Furnishing real property.

Whenever real property is acquired by a State agency and furnished as a required contribution to a Federal project, the agency head may not accept such property unless such State agency has made all payments and provided all assistance and assurances as are required of a State agency by these regulations. The cost of such requirements will be paid by the State agency, except the agency head will pay the full amount of the first \$25,000 of the cost of providing such payments and assistance in connection with each acquisition or displacement occurring prior to July 1, 1972.

§ 19.713 State agency acting as agent for Federal project.

Whenever real property is acquired by a State agency at the request of the agency head, for a Federal project such acquisition shall be deemed for the purposes of these regulations as an acquisition by the agency head.

Subpart—Real Property Acquisition

§ 19.801 Acquisition by agreement.

(a) The provisions of this subpart do not apply to donations of land or land exchanges.

(b) Every reasonable effort will be made to (1) acquire real property by agreements with owners based on negotiations, (2) assure consistent treatment for owners, and (3) accomplish negotiations expeditiously. In no event shall negotiations be deferred nor any other action coercive in nature taken in order to compel an agreement.

§ 19.802 Appraisal.

(a) Prior to initiation of negotiations, an appraisal of the fair market value of the real property interest to be acquired will be made by a qualified land appraiser.

(b) The owner or his designated representative will be given a reasonable opportunity to accompany the appraiser during his inspection of the property.

(c) Any decrease or increase in the fair market value of the property prior to the date of the appraisal which is caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in appraising the property.

(d) Where appropriate the estimate of the fair market value of the property to be acquired and the estimate of damages or offsetting benefits to the remaining property will be separately stated.

§ 19.803 Establishing just compensation.

(a) Prior to negotiations the displacing agency shall establish an amount it believes to be just compensation which in no event shall be less than the amount in the approved appraisal.

(b) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the displacing agency shall offer to acquire the entire property.

§ 19.804 Initiation of negotiations.

(a) When the just compensation has been established, a prompt offer will be made to acquire the real property for the full amount of the just compensation so established.

(b) When the offer is made, the owner of the real property will be provided with a written statement of (1) identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements considered to be a part of the real property, (2) the amount of the estimated just compensation as determined by the acquiring agency and a summary statement of the basis therefor, and (3) if only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

(c) The offer of just compensation does not preclude further negotiations with respect to the purchase price.

(d) Tenants occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(e) Contracts or options to purchase real property shall not include any payments for relocation costs or any reference to such payments.

§ 19.805 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations,

condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken in order to compel an agreement on price.

(b) If real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will be taken intentionally which will make it necessary for an owner to institute legal proceedings to prove the taking of his real property.

(c) If the final judgment of the court in a condemnation case is that the acquiring agency cannot acquire the real property by condemnation, or if the proceeding in condemnation is abandoned by the acquiring agency, the acquiring agency must pay the owner of the property such sum as will reimburse the owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings. If this cost is not covered by a court order, nevertheless the acquiring agency shall pay to the owner such costs.

§ 19.806 Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation proceeding to acquire real property, the owner will be reimbursed to the extent the head of the displacing agency determines fair and reasonable, for expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incident to conveying the real property to the acquiring agency,

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property, and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is earlier.

§ 19.807 Improvements owned by tenants.

(a) Whenever any interest in real property is acquired, the acquiring agency will acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property which such acquiring agency requires to be removed from the real property, or which the acquiring agency determines will be adversely affected by the use to which such real property will be put.

(b) The following will apply in determining the just compensation for any such buildings, structures, or other improvements: (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term, and (2) the fair market

value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures, or other improvements for removal from the real property, whichever is greater, will be paid the tenant therefor, provided the tenant shall assign, transfer and release to the acquiring agency all his rights, title and interest in and to such improvements.

(c) Payments under this § 19.807 will not be made: (1) Which result in duplication of any payments otherwise authorized by law, (2) unless the owner of the land involved disclaims all interest in such buildings, structures or other improvements of the tenant.

(d) The tenant may reject payment under this § 19.807 and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 19.808 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the acquiring agency on short notice, the amount of rent required will not exceed the fair rental value of the property to a short term occupier.

§ 19.809 Requirement to move.

(a) The construction or development of a project will be so scheduled that to the greatest extent practicable, no person lawfully occupying real property will be required to move from a dwelling (assuming a replacement dwelling will be available), or to move his business or farm operation, without at least 90 days written notice prior to the date on which such move is required. A notice of less than 90 days may be given only in an emergency or other extraordinary situations. When it is proposed to give an advance notice of less than 90 days, the prior approval of the agency head will be obtained.

(b) No owner will be required to surrender possession of real property before he has been paid the agreed purchase price, or a deposit has been made with the court for the benefit of the owner in an amount not less than the approved appraisal of the real property being acquired.

Subpart—Report**§ 19.901 Annual report.**

Each agency head shall prepare and submit an annual report, on a fiscal year basis, to the Secretary of Agriculture. The first report will cover the period January 2, 1971, through June 30, 1971, with the final report covering the period July 1, 1973, through June 30, 1974.

(a) Each such report will include narrative comments regarding:

(1) The effectiveness of the provisions of the Act assuring the availability of comparable replacement housing for displaced persons;

(2) Actions taken to achieve the objectives of the policies of Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for, Federal or Federal financially assisted programs;

(3) Views on the progress made to achieve the objectives stated in subparagraph (2) of this paragraph;

(4) Any indicated effects of such programs and policies on the public; and

(5) Recommendations for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws, and regulations.

(b) Each such report will also include statistical data as prescribed by the Department.

(c) Summary statement on the waiver of assurances.

Dated: April 28, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6243 Filed 5-4-71; 8:45 am]

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

[Valencia Orange Reg. 347]

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

Limitation of Handling

§ 908.647 Valencia Orange Regulation 347.

(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 May 4, 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 May 7, 1971, through May 13, 1971, are hereby fixed as follows:

- (i) District 1: 303,294 Cartons;
- (ii) District 2: 196,212 Cartons;
- (iii) District 3: 153,901 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: May 5, 1971.

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

[FR Doc.71-6460 Filed 5-5-71; 11:33 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

In § 201.108 the introductory text of paragraph (b) is amended and subparagraphs (16) and (17) are added as set forth below:

§ 201.108 Obligations eligible as collateral for advances.

(b) Under section 14(b) direct obligations of, and obligations fully guaran-

teed as to principal and interest by, the United States are eligible for purchase by Reserve Banks. Such obligations include certificates issued by the trustees of Penn Central Transportation Co. that are fully guaranteed by the Secretary of Transportation. Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, any agency of the United States are also eligible for purchase by Reserve Banks. Following are the principal agency obligations eligible as collateral for advances.

(16) Federal Home Loan Mortgage Corporation notes, debentures, and guaranteed certificates of participation.

(17) U.S. Postal Service obligations.

(Interprets and applies 12 U.S.C. 347)

By order of the Board of Governors,
April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6322 Filed 5-5-71; 8:46 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON THE RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 0F0973) was filed by the Upjohn Co., Kalamazoo, Michigan 49001, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that section 420.200 be amended by changing the existing tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on nectarines to allow for postharvest application in addition to the established preharvest application.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service, USDI, has advised that it has no objection to the proposed tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection

Agency (36 F.R. 1228), section 420.200 is amended by inserting "(from preharvest and postharvest application)" after the word nectarines in the paragraph beginning "20 parts per million" * * * as follows:

§ 420.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

* * * * *

20 parts per million in or on apricots, nectarines (from preharvest and postharvest application) * * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (5-6-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6338 Filed 5-5-71;8:47 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE LAKE AND RESERVOIR AREAS

In view of the increasing visitor use at water resource projects, and the changing patterns of recreation activities, it is necessary to revise Part 326 in considerable detail to accommodate visitors in a more orderly manner. In view thereof, the amendment to Chapter III is designed to include additional new lakes and reservoirs and to provide for greater public protection and enjoyment of the recreation resource.

Part 326 of Chapter III of Title 36 of the Code of Federal Regulations is recodified and republished as set forth below:

Sec.
326.0 Determination of the Secretary.
326.1 Areas covered.
326.2 Boats, commercial.

Sec.
326.3 Boats and other vessels, private.
326.4 Mooring, care, and sanitation of boats and floating facilities.
326.5 Swimming and bathing.
326.6 Hunting and fishing.
326.7 Camping.
326.8 Picnicking.
326.9 Access to water areas.
326.10 Destruction of public property.
326.11 Firearms, explosives, fireworks and weapons of all kinds.
326.12 Gasoline and oil storage.
326.13 Sanitation.
326.14 Advertisements.
326.15 Unauthorized solicitations and business activities.
326.16 Commercial operations.
326.17 Recreational activity programs.
326.18 Abandonment of personal property.
326.19 Discriminatory practices prohibited.
326.20 Control of horses, dogs, cats, and pets.
326.21 Visiting hours.
326.22 Noise levels.
326.23 Vehicles.

AUTHORITY: The provisions of this Part 326 issued under sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d.

§ 326.0 Determination of the Secretary.

(a) The Secretary of the Army having determined that the use of certain navigable lake and reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the lakes or reservoir for their primary purposes, hereby prescribes the following rules and regulations pursuant to the provision of section 4 of the Act of Congress approved December 22, 1944, as amended, for the public use of certain navigable lake and reservoir areas.

(b) Such public use is also subject to applicable State, local, and other Federal laws and regulations.

§ 326.1 Areas covered.

(a) The regulations contained in this part shall be applicable to lands of certain navigable lakes and reservoirs formed by locks and dams excluding the lock sites therein, under the jurisdiction of the Department of the Army and to access and use of the lake or reservoir from such lands.

(b) The areas covered by this part are:

Alabama
Columbia Lock and Dam Area, Chattahoochee River.
Demopolis Lock and Dam Area, Black Warrior and Tombigbee Rivers.
Jackson Lock and Dam Area, Black Warrior and Tombigbee Rivers.
Walter F. George Lock and Dam Area, Chattahoochee River.
Warrior Lock and Dam Area, Black Warrior River.

Arkansas
Lock and Dam 13 Area, Arkansas River.
Ozark Lock and Dam Area, Arkansas River.
Dardanelle Lock and Dam—Lake Dardanelle Area, Arkansas River.
Lock and Dam 9 Area, Arkansas River.
Suck Ferry Lock and Dam Area, Arkansas River.
Murray Lock and Dam Area, Arkansas River.
David D. Terry Lock and Dam—David D. Terry Lake Area, Arkansas River.
Lock and Dam 5 Area, Arkansas River.
Lock and Dam 4 Area, Arkansas River.

Lock and Dam 3 Area, Arkansas River.
Lock and Dam 2 Area, Arkansas River.
Norrell Lock and Dam Area, Arkansas River.

Florida

Jim Woodruff Lock and Dam—Lake Seminole Area, Apalachicola River.

Georgia

Columbia Lock and Dam Area, Chattahoochee River.

Jim Woodruff Lock and Dam—Lake Seminole Area, Apalachicola River.

Kentucky

Barkley Dam and Lake Barkley Area, Cumberland River.

Oklahoma

Webbers Falls Lock and Dam Area, Arkansas River.

Robert S. Kerr Lock and Dam and Reservoir Area, Arkansas River.

W. D. Mayo Lock and Dam Area, Arkansas River.

Lock and Dam 13 Area, Arkansas River.

Chouteau Lock and Dam Area, Verdigris River.

Newt Graham Lock and Dam—Newt Graham Lake Area, Verdigris River.

Oregon

John Day Lock and Dam Area, Columbia River.

McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

Tennessee

Barkley Dam and Lake Barkley Area, Cumberland River.

Cheatham Lock and Dam Area, Cumberland River.

Old Hickory Lock and Dam Area, Cumberland River.

Washington

Ice Harbor Lock and Dam Area, Snake River.

John Day Lock and Dam Area, Columbia River.

Lower Monumental Lock and Dam Area, Snake River.

McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

(c) In those portions of the lake or reservoirs area which are now or which hereafter are managed by other governmental agencies (including State, county, and municipal) pursuant to leases or licenses granted by the Department of the Army, such agencies may make and enforce such rules and regulations as are necessary, and within their legal authority.

§ 326.2 Boats, commercial.

(a) No boat, barge, or other vessel shall be placed upon or operated upon any water of the lake or reservoir for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army, or except for commercial navigation on a lake or reservoir which is navigable by law.

(b) All such watercraft authorized for commercial service, including rental units, shall have the maximum passenger carrying capacity (number of persons authorized by State and local law and/or in the absence thereof by ratings figured on outboard Boating Club manufacturers rating) plainly posted in a conspicuous place inside the watercraft.

§ 326.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers, and other vessels

on the lake or reservoir for fishing and recreational use is permitted except in prohibited areas as contained in regulations in this part and designated by the District Engineer in charge of the project.

(b) Except for the lakes and reservoirs listed in this paragraph, a permit is required from the District Engineer or his authorized representative for placing and operating any vessel not exceeding 16 feet in length on the lake or reservoir for a period longer than 3 days, unless the boat or other vessel is registered and displays a valid State or U.S. Coast Guard number. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the lake or reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

Arkansas

- Lock and Dam 13 Area, Arkansas River.
- Ozark Lock and Dam Area, Arkansas River.
- Dardanelle Lock and Dam—Lake Dardanelle Area, Arkansas River.
- Lock and Dam 9 Area, Arkansas River.
- Suck Ferry Lock and Dam Area, Arkansas River.
- Murray Lock and Dam Area, Arkansas River.
- David D. Terry Lock and Dam—David D. Terry Lake Area, Arkansas River.
- Lock and Dam 5 Area, Arkansas River.
- Lock and Dam 4 Area, Arkansas River.
- Lock and Dam 3 Area, Arkansas River.
- Lock and Dam 2 Area, Arkansas River.
- Norrell Lock and Dam Area, Arkansas River.

Kentucky

- Barkley Dam and Lake Barkley Area, Cumberland River.

Oklahoma

- Newt Graham Lock and Dam—Newt Graham Lake Area, Verdigris River.
- Chouteau Lock and Dam Area, Verdigris River.
- Webbers Falls Lock and Dam Area, Arkansas River.
- Robert S. Kerr Lock and Dam and Reservoir Area, Arkansas River.
- W. D. Mayo Lock and Dam Area, Arkansas River.
- Lock and Dam 13 Area, Arkansas River.

Oregon

- John Day Lock and Dam Area, Columbia River.
- McNary Lock and Dam Area, Columbia River.
- The Dalles Dam Area, Columbia River.

Tennessee

- Barkley Dam and Lake Barkley Area, Cumberland River.
- Cheatham Lock and Dam Area, Cumberland River.
- Old Hickory Lock and Dam Area, Cumberland River.

Washington

- Ice Harbor Lock and Dam Area, Snake River.
- John Day Lock and Dam Area, Columbia River.
- Lower Monumental Lock and Dam Area, Snake River.
- McNary Lock and Dam Area, Columbia River.
- The Dalles Dam Area, Columbia River.

(c) Unsafe boats or other vessels will not be permitted on the lake or reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the lake or reservoir. All boats permitted on the lake or reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Houseboats, cabin cruisers, and other vessels may be placed and operated on the lakes and reservoirs, except that such a facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galley shall not be placed on lakes and reservoirs with small permanent pools, or where prohibited by State and/or local laws and regulations. Such vessels may be barred from other lakes and reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those lakes and reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

§ 326.4 Mooring, care, and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the lake or reservoir, securely moored at authorized docks or boat-houses where supervision by the owner or his representative is provided on a 24-hour-day basis or placed in the care of a marina concessionaire, State, or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges, and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with approved plans and specifications and will require a permit, lease, or license approved by the District Engineer or his designated representative. He shall have authority to revoke such permits, leases, or licenses and require removal of the facility for failure of the permittee, lessee, or licensee to comply with the terms and conditions of the permit, lease, or license or with the regulations in this part.

(c) The discharge of sewage, garbage, or other pollutants in the waters of the lake or reservoir from any boat, barge, or other vessel on the reservoir is prohibited except in accordance with regulations of the Environmental Protection Agency, State, and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore

at places designated for such deposit and disposal.

§ 326.5 Swimming and bathing.

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer or State and local health authorities.

§ 326.6 Hunting and fishing.

(a) Hunting, fishing, and trapping are permitted in accordance with all applicable Federal, State, and local laws for the protection of fish and game except in prohibited areas including the following:

- (1) Public access, park, and recreation areas in which all hunting is prohibited;
- (2) Prohibited areas designated by the District Engineer in which hunting or fishing or both are prohibited;
- (3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of hunting devices authorized under Federal, State, and local laws and regulations.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the land and/or water in any lake or reservoir area.

§ 326.7 Camping.

(a) Camping is permitted only at areas designated by the District Engineer in charge of the lake or reservoir area or his authorized representative or the managing agency referred to in § 326.1 (c).

(b) The length of stay is limited to 14 consecutive days except where the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c) determines a lesser stay is warranted. However, where ample facilities exist to serve the public at the time, the length of stay may be extended to no more than 30 consecutive days by special permission of the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c). No trailer, tent, or other camping unit is permitted to remain more than 30 consecutive days.

(c) Camping fees, where applicable, will be posted.

(d) Camping equipment shall not be abandoned or left unattended for 24 hours or more, and such equipment may not be placed on a campsite prior to actual occupancy.

(e) The installation by campers of any permanent facility at any campground is prohibited.

(f) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted at each campground by the District Engineer or his authorized representative or the managing agency referred to in § 326.1(c).

(g) Due diligence shall be exercised in building and putting out camp fires to prevent damages to trees and vegetation and to prevent forest fires and grass fires,

(h) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(i) Quiet shall be maintained in all camping areas between the hours of 10 p.m. and 6 a.m.

§ 326.8 Picnicking.

(a) Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 326.1 (c).

(b) Picnickers shall keep their picnic area clean and dispose of garbage and refuse in accordance with instructions posted by the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c).

(c) Due diligence shall be exercised in building and putting out fires to prevent damages to trees and vegetation and to prevent forest and grass fires.

§ 326.9 Access to water areas.

(a) Pedestrian access is permitted along the shores of the lake or reservoir except in areas designated by the District Engineer or his authorized representative.

(b) Vehicular access is permitted only over open public lake and reservoir roads. The operator of any vehicle shall obey all posted vehicular traffic control signs and devices.

(c) Access for the general public to launch boats is permitted only at the launching sites designated by the District Engineer.

§ 326.10 Destruction of public property.

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized is prohibited.

§ 326.11 Firearms, explosives, fireworks, and other weapons of all kinds.

Loaded firearms, any projectile firing devices, bows and arrows, crossbows, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when any hunting devices are being used for hunting during the hunting season as permitted under § 326.6 or when specifically authorized by the District Engineer. The use of fireworks is prohibited in the area, except when authorized by the District Engineer or his authorized representative for special purposes.

§ 326.12 Gasoline and oil storage.

Gasoline and other flammable or combustible liquids shall not be stored in, upon, or about the lake or reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

§ 326.13 Sanitation.

Dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, or litter of any kind at such water resources development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers

is prohibited, except at designated points or places designed for the sanitary disposal thereof.

§ 326.14 Advertisements.

Private notices and advertisements shall not be posted, distributed, or displayed in the lake or reservoir area except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 326.15 Unauthorized solicitations and business activities.

No person, firm, or corporation, or their representatives shall engage in or solicit any business on the lake or reservoir area without permission in writing from the District Engineer or in accordance with terms of a lease, license, or concession contract with the Department of the Army.

§ 326.16 Commercial operations.

All commercial operations or activities on the waters or on the lands under the control of the Department of the Army around the lake or reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 326.17 Recreational activity programs.

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative by the governmental or legally responsible private agency proposing to hold a special event as indicated in this section. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 326.18 Abandonment of personal property.

Abandonment of personal property on the land or waters of the lake or reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the lake or reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 24 hours it will be impounded, and if not reclaimed by the owners it will be treated as abandoned private personal property. The District Engineer may assess a reasonable impoundment fee, which shall be paid be-

fore the impounded property may be returned to its owners.

§ 326.19 Discriminatory practices prohibited.

All project land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, creed, color, or national origin. No lessee or licensee of a project area under lease or license providing for a public or quasi-public use, including group camp activities, and no concessionaire of a lessee or licensee shall discriminate against a person or persons because of race, creed, color, or national origin in the conduct of its operations under the lease, license, or concession agreements.

§ 326.20 Control of horses, dogs, cats, and pets.

(a) Horseback riding is prohibited in developed camping, picnicking, and swimming beach areas and areas as may be designated by the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c).

(b) Dogs, cats, and pets are prohibited unless they are caged, penned, on a leash no longer than 6 feet, or otherwise under physical restrictive control at all times.

(c) Horses, dogs, cats, and pets are prohibited in designated beach areas.

§ 326.21 Visiting hours.

The District Engineer or his authorized representative or the managing agency referred to in § 326.1(c) may establish a reasonable schedule of visiting hours for all or portions of the area and close or restrict the public use of all or any portion of the area, when necessary for the protection of the area or the safety and welfare of persons or property by posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

§ 326.22 Noise levels.

The operation or use of any audio or noise producing device including communication media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons in any public place on the project is prohibited.

§ 326.23 Vehicles.

The following are prohibited at developed recreation sites:

(a) Driving motor vehicles in excess of posted speeds.

(b) Driving or parking any vehicle or trailer except in places developed for this purpose.

(c) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others or without due caution and at a speed, or in a manner, so as to endanger, or be likely to endanger, any person or property.

(d) Driving bicycles, motorbikes, motorcycles, snowmobiles, or other recreational vehicles within developed recreation sites, except where otherwise designated by appropriate signs.

(e) Driving motorbikes, motorcycles, snowmobiles, or other motor vehicles on roads in developed recreation sites for any purpose other than access into, or egress out of, the site.

(f) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cutoff, bypass, or similar device.

(g) Excessively accelerating the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping place.

[Regs., Apr. 13, 1971, ENGCW-OR] (Sec. 4, 88 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc. 71-6318 Filed 5-5-71; 8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraphs (s) and (t) are added to read as follows:

§ 3.1 Definitions.

(s) "On the borders thereof" means, with regard to service during the Mexican border period, the States of Arizona, California, New Mexico, and Texas, and the nations of Guatemala and British Honduras. (38 U.S.C. 101(30); Public Law 91-588, 84 Stat. 1580)

(t) "In the waters adjacent thereto" means, with regard to service during the Mexican border period, the waters (including the islands therein) which are within 750 nautical miles (863 statute miles) of the coast of the mainland of Mexico. (38 U.S.C. 101(30); Public Law 91-588, 84 Stat. 1580)

2. In § 3.2, paragraph (h) is added to read as follows:

§ 3.2 Periods of war.

(h) *Mexican border period.* May 9, 1916, through April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto. (38 U.S.C. 101(30); Public Law 91-588, 84 Stat. 1580)

3. In § 3.3, paragraphs (c) and (d) (3) are amended to read as follows:

§ 3.3 Pension.

(c) *Disability pension; Mexican border period and later war periods.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either World War I, World War II, the Korean conflict, or the Vietnam era, or served an aggregate of 90 days or more in separate periods of service during the same or, effective July 21, 1961, during different war periods, including service during the Spanish-American War (38 U.S.C. 521 (g)); or

(2) Served 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto during the period beginning on May 9, 1916, and ending on April 5, 1917, inclusive (Public Law 91-588, 84 Stat. 1580); or

(3) Was discharged or released from such service before having served the stated 90 days for a disability service connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability; and

(4) Is permanently and totally disabled from non-service-connected disability not due to his own willful misconduct or vicious habits, or by reason of having attained the age of 65 years. (38 U.S.C. 502, 521)

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1), (2), or (3) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542; Public Law 91-588, 84 Stat. 1580)

4. In § 3.54(a), subparagraph (3) is amended to read as follows:

§ 3.54 Marriage dates.

(a) *Pension.* Death pension may be paid to a widow who was married to the veteran:

(3) Prior to the applicable delimiting dates, as follows:

(i) Civil War—June 27, 1905.
(ii) Indian wars—March 4, 1917.
(iii) Spanish-American War—January 1, 1938.

(iv) Mexican border period and World War I—December 14, 1944.

(v) World War II—January 1, 1957.
(vi) Korean conflict—February 1, 1965.

(vii) Vietnam era—10 years after end of Vietnam era.

(38 U.S.C. 532(d), 534(c), 536(c), 541 (e); Public Law 91-588, 84 Stat. 1580)

5. In § 3.251(a), subparagraph (1) is amended to read as follows:

§ 3.251 *Income of parents; dependency and indemnity compensation.*

(a) *Annual income limitation.* (1) Dependency and indemnity compensa-

tion is not payable to a parent whose annual income exceeds the following limitations:

(i) \$2,000 (\$2,300 effective January 1, 1971), one parent alone;

(ii) \$2,000 (\$2,300 effective January 1, 1971), separately, two parents not living together;

(iii) \$3,200 (\$3,500 effective January 1, 1971), combined income, two parents living together or remarried parent living with spouse.

(iv) Where there is only one parent, and the parent has remarried and is living with his spouse, dependency and indemnity compensation will be paid to him under either the table in 38 U.S.C. 415 (b) (1) or the table in 38 U.S.C. 415(d), which ever will provide the greater monthly rate of dependency and indemnity compensation. The total combined income of the parent and his spouse will be counted. (38 U.S.C. 415; Public Law 91-588, 84 Stat. 1580)

6. In § 3.252, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect prior to June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds \$1,600 (\$1,900 effective January 1, 1971); or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds \$2,900 (\$3,200 effective January 1, 1971).

(b) *Annual income and net worth limitation; Public Law 86-211 (73 Stat. 432).* Pension is not payable to an unmarried veteran, or to a widow without a child, whose annual income exceeds \$2,000 (\$2,300 effective January 1, 1971), or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds \$1,800 (\$2,000 effective January 1, 1971), or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds \$3,200 (\$3,500 effective January 1, 1971); or to a veteran, widow, or child if it is reasonable that some part of the claimant's estate be consumed for his maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income, as provided in § 3.262(b). (38 U.S.C. 521, 541, 542 and 543)

7. Section 3.256 is revised to read as follows:

§ 3.256 Annual income and net worth questionnaires.

A questionnaire will be sent once each calendar year to each payee who is receiving pension or dependency and indemnity compensation whose entitlement is subject to an annual income (and net worth where applicable) limitation,

except a child and, effective January 1, 1972, except a payee who has attained 72 years of age and has been paid the particular benefit during 2 consecutive calendar years. (38 U.S.C. 415(e) and 506(a); Public Law 91-588, 84 Stat. 1580)

8. In § 3.261, paragraph (a) (14), (20), (22), and (29) is amended and paragraph (b) (5) is added so that the

amended and added material reads as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251, and 3.252 with reference to dependency, income limitations and corpus of estate:

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension—protected (veterans, widows, and children)	Pension—Public Law 86-211 (veterans, widows, and children)	See—
(a) Income:					
(14) Retired Serviceman's Family Protection Plan (10 U.S.C. ch. 73):	***	***	***	***	***
Annuities.....	Excluded	Excluded	Excluded	Excluded	§ 3.262(e).
Refunds (10 U.S.C. 1446).....	Included	Included	Included	Included	
(20) Veterans Administration payments:					
Pension.....	Excluded	Excluded	Excluded	Excluded	
Compensation and dependency and indemnity compensation.....	do	do	do	do	
World War I adjusted compensation.....	do	Included	do	Included	
U.S. Government Life Insurance or National Service Life Insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.....	do	Excluded	do	Excluded	
Servicemen's Group Life Insurance.....	do	do	do	do	
Servicemen's indemnity.....	do	do	do	do	
Death gratuity (Public Law 89-214).....	do	Included	do	Included	
Subsistence allowance (38 U.S.C. ch. 31).....	Included	do	Included	do	
Veterans educational assistance in excess of amounts expended for training (38 U.S.C. ch. 34).....	do	do	do	do	
Educational assistance (38 U.S.C. ch. 35).....	do	do	Excluded	Excluded	
Special allowance under 38 U.S.C. 412(a).....	Excluded	Included	do	Included	
Statutory burial allowance.....	do	Excluded	do	Included	
Accrued.....	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.	
(22) Contributions by a public or private employer to a:					
Public or private health or hospitalization plan for an active or retired employee.....	Excluded	Excluded	Excluded	Excluded	
Retired employee as reimbursement for premiums for supplementary medical insurance benefits under the Social Security program (Public Law 91-588).....	Included	Included	Included	do	
(23) Bequests, devises and inheritances:					
Property.....	do	Excluded	do	do	§ 3.262(k).
Money.....	do	Included	do	Included	
Joint bank accounts.....	do	do	do	Excluded	§ 3.262(k)(1).
(b) Deduction of amounts paid by claimant:					
(5) Prepayments on real property mortgages after death of spouse (Public Law 91-588).....	Not authorized.	Not authorized.	Not authorized.	Authorized.	§ 3.262(k)(6).

9. In § 3.262(k), subparagraph (1) is amended and subparagraph (6) is added so that the amended and added material reads as follows:

§ 3.262 Evaluation of income.

(k) *Property*—(1) *Ownership*. The terms of the recorded deed or other evidence of title will constitute evidence of ownership of real or personal property. This includes property acquired through purchase, bequest or inheritance except that, effective January 1, 1971, amounts in joint accounts in banks and similar institutions acquired by reason of the

death of another joint owner shall not be considered income of a survivor for pension purposes under the provisions of Public Law 86-211 (73 Stat. 432). With the foregoing exception, if property is owned jointly each person will be considered as owning a proportionate share. The claimant's share of property held in partnership will be determined on the facts found. In the absence of evidence to the contrary, the claimant's statement as to the terms of ownership will be accepted. (38 U.S.C. 503(15); Public Law 91-588, 84 Stat. 1580)

(6) *Payments on mortgages on real property; Public Law 86-211 (73 Stat. 432)*. Effective January 1, 1971, for the purposes of Public Law 86-211, an amount equaling any prepayments made by a veteran or widow on a mortgage or similar type security instrument in existence at the death of veteran or spouse on real property which prior to the death was the principal residence of the veteran and spouse will be excluded from consideration as income if such payment was made after the death and prior to the close of the year succeeding the year of death. (38 U.S.C. 503(14); Public Law 91-588, 84 Stat. 1580)

10. In § 3.314, the headnotes and the introductory portions of paragraphs (a) and (b) preceding subparagraph (1) are amended to read as follows:

§ 3.314 Basic pension determinations.

(a) *Prior to the Mexican border period*. While pensions are granted based on certain service prior to the Mexican border period, the only rating factors in claims therefor are:

(b) *Mexican border period and later war periods*. Non-service-connected disability and death pension may be paid based on service in the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era. Rating determinations in such claims will be required in the following situations:

11. In § 3.315, paragraph (d) is amended to read as follows:

§ 3.315 Basic eligibility determinations: dependents, loans, education.

(d) *Loans*. Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301(gg) and 36.4501(o), eligibility of the veteran for a home, farm or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict, and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964 are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on

discharge or release for a service-connected disability. (38 U.S.C. 1802, 1818)

12. In § 3.326, paragraph (h) is amended to read as follows:

§ 3.326 Examinations.

(h) *Pension, age 65.* Evidence to establish physical disability will not be required in claims for pension under 38 U.S.C. 511 or 512 based on service during an Indian or the Spanish-American War, or in claims for pension under 38 U.S.C. 521 based on the Mexican border period, World War I, or later war periods if the veteran has attained the age of 65 years. However, Veterans Administration examination may be authorized or medical evidence accepted as outlined in this section to determine whether a veteran is permanently housebound or otherwise meets the disability requirements of § 3.351 (d) or (e), or is in need of regular aid and attendance.

13. In § 3.351, paragraph (a) and that portion of paragraph (d) preceding subparagraph (1) are amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Indian War veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and for veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era (38 U.S.C. 521). Additional pension for widows in need of regular aid and attendance is provided for widows of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II, or the Korean conflict (38 U.S.C. 544, 521 note). Additional dependency and indemnity compensation and death compensation for widows in need of regular aid and attendance is provided for widows of veterans of all periods of service. (38 U.S.C. 322(b), 411(c); Public Law 91-588, 84 Stat. 1580)

(d) *Permanent and total plus 60 percent, or housebound;* 38 U.S.C. 521. The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension (§110) based on need of regular aid and attendance shall be increased by \$44 if, in addition to having a single permanent disability rated as 100 percent under regular schedular evaluation, the veteran:

14. In § 3.454, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 3.454 Veterans disability pension.

Apportionment of pension for a veteran based on service in the Mexican border period, World War I, or later war period will be as follows:

(b) Where the pension of any married veteran who is receiving pension under 38 U.S.C. 521(b) is reduced to \$30 under the provisions of § 3.551(c), an apportionment may be made to his estranged wife upon an affirmative showing of hardship. The amount of the apportionment generally will be the difference between \$30 and the rate payable if pension were being paid under 38 U.S.C. 521(c). If the additional rate of \$44 per month is payable under § 3.351(d) it may be added to the apportionment. (38 U.S.C. 3203(d); Public Law 91-588, 84 Stat. 1580)

15. In § 3.460, the headnote of paragraph (c) is amended so that paragraph (c) (1) reads as follows:

§ 3.460 Death pension.

(c) *Mexican border period, World War I, or later war periods.* (1) On and after October 1, 1954, under the laws in effect prior to July 1, 1960 (38 U.S.C. 541), the widow's share will be:

- \$37.80—if there is only 1 child.
- \$31.50—if there are 2 or more children.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 1, 1971.

Approved: April 29, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-6253 Filed 5-5-71; 8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-1—GENERAL

Subpart 15-1.51—Novation Agreements and Change of Name Agreements

Novation Agreements and Change of Name Agreements, Subpart 15-1.51, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations. It is the policy of the Environmental Protection Agency to allow time for interested parties to take part in the rule-making process. However, because this regulation is largely a general statement of Agency policy and internal procedure, the rule-making process will be waived.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (5-6-71).

Dated: May 3, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15-1.51—Novation Agreements and Change of Name Agreements

Sec.	
15-1.5100	Scope of subpart.
15-1.5101	Definition.
15-1.5102	Agreement to recognize a successor in interest.
15-1.5103	Agreement to recognize change of name of contractor.
15-1.5104	Procedures.
15-1.5105	Novation agreement formats.
15-1.5105-1	Successor in interest agreement format.
15-1.5105-2	Change of name agreement format.
15-1.5105-3	Administrative change format.

AUTHORITY: The provisions of this Subpart 15-1.51 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-1.5100 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or the part of his assets involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single activity execution of novation agreements affecting more than one activity.

§ 15-1.5101 Definition.

For the purposes of this subpart, the following definition applies. A novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor, when still in existence, guarantees the performance of the contract by the transferee. Where only a change of name is made the rights and obligations of the parties remain unaffected.

§ 15-1.5102 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract when the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

- (1) Sale of such assets;
- (2) Transfer of such assets pursuant to merger or consolidation of corporations; and
- (3) Incorporation of a proprietorship or partnership;

(4) The principal party or parties to a contract transfer to another institution and the Government wishes to recognize the new institution as the successor in interest.

(b) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated activity shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond from either the transferor or the transferee may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

The agreement shall have the concurrence of legal counsel, prior to execution. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth in § 15-1.5105. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

(c) Prior to the execution of such agreement, one copy of each of the following, as applicable, shall be deposited by the contractor with the designated procuring activity:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as, for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts which have not been finally settled between EPA and the transferor, showing for each contract the contract number, the name and address of the activity involved, the total dollar value of the contract as amended, the type of contract, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) An opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets; and

(9) Consent of sureties on all contracts listed under (ii) above on which bonds were required.

§ 15-1.5103 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the designated activity and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. A format for such an agreement, which shall be adapted for specific cases, is set forth in § 15-1.5105.

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated procuring activity:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) An opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law; and

(3) A list of all contracts which have not been finally settled between EPA and the contractor, showing for each contract the contract number and the name and address of the activity involved.

(c) Each agreement shall have the concurrence of legal counsel, prior to execution.

§ 15-1.5104 Procedures.

(a) Any EPA procuring activity upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly report such information by letter to the Director of Contracts Management Division.

(b) To avoid duplication of effort on the part of EPA activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between EPA and the contractor involved. The Director of Contracts Management Division will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtaining from the contractor a list of the affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence; and

(2) Drafting and executing a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents shall be reviewed for legal sufficiency by legal counsel.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Contracts Management Division, and

(2) Advise each of the affected activities, by letter, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed—see § 15-1.5105.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change acknowledging the change in name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

§ 15-1.5105 Novation agreement formats.

§ 15-1.5105-1 Successor in interest agreement format.

The following form may be used as appropriate to recognize a corporate successor in interest, in accordance with § 15-1.5102.

AGREEMENT (-----, 19--)

This agreement, entered into as of -----, 19--, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ----- with its principal office in the City of ----- (hereinafter referred to as the "Transferor"); the XYZ Corporation (formerly known as the LMN Corporation), a corporation duly organized and existing under the laws of the State of ----- with its principal office in the City of ----- (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government, represented by Contracting Officers of the Environmental Protection Agency, has entered into certain contracts, letter contracts, and purchase orders with the Transferor (namely: -----) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by Contracting Officers of the Environmental Protection Agency, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto hereafter made between the Government and the Transferee.

Whereas, as of -----, 19--, the Transferor assigned, conveyed, and transferred to the Transferee all the assets of the

Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

Whereas, the Transferee, by virtue of said assignment, conveyance, and transfer, has acquired all the assets of the Transferor;

Whereas, by virtue of said assignment, conveyance, and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the Contracts;

Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

Whereas, there has been filed with the Government evidence of said assignment, conveyance, or transfer (add if desired, "in the form of a certified copy of the list of the documents required by 41 CFR 15-1.5102");

(Where a change of name is also involved, such as a prior or concurrent change of name of the Transferee, an appropriate recital shall be used; for example:

Whereas, there has been filed with the Government a certificate dated _____, 19___, signed by the secretary of state of the State of _____, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on _____, 19___);

Now therefore, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Gov-

ernment's obligations under the Contracts to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to; any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect. In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA,
By _____
Title _____
ABC CORPORATION,
By _____
Title _____
[Corporate Seal]
XYZ CORPORATION,
By _____
Title _____
[Corporate Seal]

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above, that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this _____ day of _____, 19___
By _____
[Corporate Seal]

CERTIFICATE

I, _____, certify that I am the Secretary of XYZ Corporation, named above, that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation, and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19___
By _____
[Corporate Seal]

§ 15-1.5105-2 Change of name agreement format.

The following form may be used as appropriate to recognize a change in name, in accordance with § 15-1.5103:

AGREEMENT (_____, 19___)
This agreement, entered into as of _____, 19___, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the

"Contractor"), a corporation duly organized and existing under the laws of the State of _____, and the United States of America, represented by the Environmental Protection Agency (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government represented by Contracting Officers of the Environmental Protection Agency, has entered into certain contracts, letter contracts, and purchase orders with the XYZ Corporation (namely: _____) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference); and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by Contracting Officers of the Environmental Protection Agency, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated _____, 19___, has changed its corporate name to the ABC Corporation;

Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA,

By _____
Title _____
ABC CORPORATION,
By _____
Title _____

[Corporate Seal]

CERTIFICATE

I, _____, certify that I am the Secretary of ABC Corporation, named above; that _____, who signed this Agreement on behalf of said corporation, was then _____ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this _____ day of _____, 19___
By _____

[Corporate Seal]

§ 15-1.5105-3 Administrative change format.

Standard Form 30 will be used for administrative changes resulting from notation and change of name agreements.

[FR Doc.71-6342 Filed 5-5-71; 8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5049]

[Colorado 1269]

COLORADO

Withdrawal for Oil Shale; Corrections

The date of March 11, 1970, shown on the last line as the approval date of Public Land Order No. 5029, appearing in 36 F.R. 5042-3 of the issue of March 17, 1971, is hereby corrected to read "March 11, 1971".

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6331 Filed 5-5-71;8:46 am]

[Public Land Order 5050]

[New Mexico 12348]

NEW MEXICO

Partial Revocation of Reclamation Withdrawal

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. § 416 (1964), it is ordered as follows:

1. Public Land Order No. 2721 of July 16, 1962, withdrawing lands for the Navajo Unit, Colorado River Storage Project, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 8 W.,

Sec. 1, lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 2, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$.

The area described aggregates 367.92 acres in San Juan County.

The land is located approximately 23 miles northeasterly from the town of Bloomfield and is about 3 miles north of the Navajo Dam. The land is generally flat with the eastern part sloping downward toward Lake Navajo. The vegetative cover consists of scattered stands of pinon-juniper trees interspersed by patches of sagebrush and native grasses.

2. At 10 a.m. on June 5, 1971, the land shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 5, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office,

Bureau of Land Management, Santa Fe, NM 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6332 Filed 5-5-71;8:47 am]

[Public Land Order 5051]

[Oregon 6995]

OREGON

Withdrawal for National Forest Research Natural Area; Correction

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5024 of March 1, 1971, withdrawing lands for a national forest research natural area, appearing in 36 F.R. 4378 of the issue of March 5, 1971, so far as it describes the lands as sec. 6, is hereby corrected to read "sec. 16".

2. The lands are national forest lands within the Siskiyou National Forest. At 10 a.m. on June 5, 1971, the land described in sec. 6 shall be open to such forms of disposition as may be made of such lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6333 Filed 5-5-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979; FCC 71-434]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Order Staying Effective Date

In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities.

1. The Commission has before it for consideration motions for stay of our Final Decision and Order in the above-captioned proceeding released on March 18, 1971. These motions were filed by the Western Union Telegraph Co. (Western Union), the Continental Telephone Corp. (Continental), the General System Co. (General), and United Computing Systems, Inc., and the United Telephone System (United). Western Union, as did Continental, requested a stay of the effectiveness of our Final Decision and Order herein pending Commission action on petitions for reconsideration. Additionally, Continental's motion requested a stay pending judicial review of the decision in question; the latter request was also made by General and United, which have respectively, in fact, already petitioned the Second Circuit and the

Eighth Circuit of the U.S. Court of Appeals for review of our decision.

2. As the petitioners know, the granting of a stay is considered to be an extraordinary action and, as we have previously held, will not be granted unless the following showing is made; namely, that there is a substantial showing by petitioners that there will be irreparable injury to petitioners or to the public; and that there is a reasonable likelihood that petitioners will succeed in courts on the merits. In analyzing the motions for stay of the respective petitioners, we are of the view that the requisite showing has not been made. Specifically, the petitioners have not demonstrated that they or the public interest will suffer any irreparable injury if the effectiveness of the Final Decision and Order is not stayed pending resolution of the petitions for reconsideration or pending judicial review.

3. We believe the aforesaid becomes particularly apparent when one notes that although the rules become effective on April 30, 1971, the affected carriers are not required to conform to the provisions of paragraph 20 of the Final Decision and Order until 6 months after the effective date of the decision in question. In substance, the gravamen of the motions before us are directed to paragraph 20 of the Final Decision and Order wherein we provided for the amendment of our rules to include a provision prohibiting a common carrier from obtaining any data processing service from its data affiliate if, in fact, that data affiliate also provided service to the public. This decision was predicated on achievement of the basic objective of our policy therein; namely, " * * * the deterrence of foreseeable abuse from indirect carrier entry into data processing * * *." Moreover, we reached this decision only after determining that implementation of such a rule could impose no unreasonable burden upon common carriers since various options were available to such carriers with data processing requirements in the form of " * * * an 'in-house' system to accommodate its particular computing needs, of turning to and bargaining with any non-affiliated service firm for computer services, or, with respect to intercarrier arrangements * * * between the Bell System Co. and various independent telephone companies, of accommodating such data processing requirements to the extent possible on a shared cost basis." Additionally, we are unable to construe the filing of detailed reports within 60 days after the effectiveness of our decision as constituting any showing of irreparable harm.

4. Finally, it must be remembered that the Final Decision and Order in question evolved from our desire to protect the public interest. Accordingly, it is our belief that inherent in the Final Decision and Order are safeguards designed to protect the public interest as well as those of the carriers. With regard to the matter before us, we are of the view that the time span between the effectiveness of our decision and the required

compliance therewith will enable us to evaluate and remedy, if warranted, any unforeseen problems particularly with reference to the matters set forth in the petitions for reconsideration now before us, as well as any other demonstrated adverse effects of our decision.

5. In view of the foregoing, the motions for stay will be denied. However, we have decided to provide for a temporary stay of the effectiveness of our Final Decision and Order provided that any motions for stay are filed with the reviewing court within 10 days of the release of this order. Upon the filing thereof, our decision would be further stayed until any motion for a judicial stay has been decided.

6. Accordingly, it is ordered, That the above-noted motions for stay are denied.

7. It is further ordered, That the effectiveness of our Final Decision and Order is stayed until the reviewing court acts upon any motion for stay pendente lite which is duly and properly filed within 10 days of the release date of this order.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,^{1a}

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-6347. Filed 5-5-71; 8:48 am]

[Docket No. 18862; FCC 71-439]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; Second Report and Order

1. This proceeding, instituted by a notice of proposed rule making, released May 21, 1970, FCC 70-524, 35 F.R. 8670, involves proposals to delete two educational television (ETV) channel assignments, Channel 77 at Glen Ridge, N.J., and Channel 70 at Bowling Green, and proposals for possible replacements therefor, since these channels, among others (Channels 70-83 MHz), were re-allocated for land mobile use by our decision in the land mobile-UHF allocation proceeding in Docket No. 18262.¹ We have thus far taken action only with respect to the Glen Ridge proposal. By a First Report and Order, adopted January 20, 1971 (FCC 71-62), the Commission amended the television Table of Assignments for Glen Ridge by deleting Channel 77, its one assignment and the only ETV assignment in northern New Jersey. At the same time, we adopted a further notice of proposed rule making (FCC 71-63) herein, inviting comments upon

a proposal of the New Jersey Public Broadcasting Authority (Authority)² to assign Channel 50 to Little Falls, N.J., as a replacement for the deleted ETV Channel 77 Glen Ridge assignment. Presently before us is this Channel 50 Little Falls proposal.

2. Comments in response to the further rule making notice on the Little Falls Channel 50 ETV proposal were filed by the Association of Maximum Service Telecasters, Inc. (AMST), an association composed of UHF and VHF licensees dedicated to continuing and expanding the high technical quality of television service. It is opposed to the proposed assignment in principle because of the short spacing presented and requests that if the assignment is, nevertheless, made, it be conditioned upon use in compliance with all mileage separation requirements. Its comments, together with those previously filed herein by the Authority and the National Association of Educational Broadcasters in support of the Authority's Channel 50 Little Falls proposal, have been considered.

3. Unless a replacement is assigned for the deleted Glen Ridge Channel 77 assignment, the Authority cannot proceed with its disrupted plans and efforts to establish an outlet in this area to provide northern New Jersey with a first local and network ETV service. Unquestionably, we think it would serve a public need and further our educational and UHF television goals to provide a replacement so that ETV plans for this area may be implemented. The problem, however, is that channel replacement possibilities in northern New Jersey are extremely limited. Our studies reveal that no channel meeting spacing requirements could be assigned in the Glen Ridge area and that, of all other channel replacement possibilities, Channel 50 would present fewer problems. Nevertheless, it was considerable misgiving that we reached the decision to hold rule making upon the Authority's proposal to assign Channel 50 to Little Falls since it presents a UHF intermodulation taboo problem.

4. While a Channel 50 Little Falls assignment would require no changes in existing assignments or authorizations, both the assignment and use of Channel 50 at Little Falls, at the transmitter location contemplated by the Authority in its comments herein, would require a deviation from the 20-mile minimum mileage separation required by the UHF intermodulation taboo (§ 73.610(d) of the rules) with respect to Channel 47,

^{1a} The Authority, the State agency charged with providing New Jersey with a statewide educational television system, had an application (BPET-363, filed Feb. 18, 1970) pending at the time of our action deleting Channel 77 from Glen Ridge, for proposed use of Channel 77 at Montclair, N.J. (located in close proximity to both Glen Ridge and Little Falls), for a station to serve as the northern link in its planned statewide educational network.

Linden, N.J. (WNJU-TV), which we have not heretofore permitted in the interest of maintaining stability in our allocation policies and in insuring adequate protection to the public and to stations from interference caused by intermodulation.³ The Little Falls Channel 50 reference point would be short-spaced by approximately 4.2 miles from the Empire State Building, New York, N.Y., where the WNJU-TV transmitter is now located, and about 3.7 miles short-spaced from the World Trade Center Building, New York City, where the WNJU-TV licensee contemplates relocating its transmitter. The Channel 50 Little Falls transmitter site contemplated by the Authority in its comments herein (some 1,150 feet west of the specified site for the Authority's proposed Channel 77 operation, with geographical coordinates of north latitude 40°51'48" and west longitude 74°12'01") would be approximately 6.3 miles short-spaced with regard to WNJU-TV from the Empire State Building and approximately 5.7 miles short-spaced with regard to Station WNJU-TV from the World Trade Center Building.⁴

5. We were persuaded, however, that the case for relaxing the UHF intermodulation taboo to the extent necessary to permit the assignment and ETV use of Channel 50 at Little Falls appeared sufficiently strong and compelling to warrant consideration of the Authority's proposal in rule making. From our investigation of the interference that might result from intermodulation if Channel 50 was assigned and used at

² As AMST notes, a Channel 50 Little Falls assignment would also involve a deviation from the required 75-mile minimum mileage separation required by the picture image taboo with respect to ETV Channel 65, New Haven, Conn., for which the Connecticut Educational TV Corp. is an applicant (BPET-386). The short-spacing involved is about 0.6 mile. This appears to pose no significant problem, however, since the required mileage separation would be met between the Channel 50 transmitter site contemplated by the Authority and that specified by the Channel 65 New Haven applicant, the distance between the proposed Little Falls site and the proposed New Haven Channel 65 site being 74.725 miles (rounds off to 75 miles).

⁴ It is noted that the amendment tendered for filing by the Authority on Mar. 22, 1971, to its former Channel 77 application (BPET-363), proposes to change the frequency applied for to Channel 50 and among other changes, to move its proposed transmitter site for a Channel 50 operation to a location in Little Falls some 1,400 feet to the northwest of the location contemplated in its comments herein, at north latitude 40°51'53" and west longitude 74°12'03". This would only slightly reduce the short-spacing problem. The new proposed Channel 50 Little Falls transmitter site would be approximately 6.135 miles short-spaced from WNJU-TV on the Empire State Building and approximately 5.592 miles from it at the World Trade Center Building.

^{1a} Commissioner Bartley absent.

¹ See First Report and Order and Second Notice of Inquiry, adopted May 20, 1970, Docket No. 18262, FCC 70-519, 35 F.R. 8644.

Little Falls, as contemplated by the Authority² it appeared that it would not be a significant problem. Also, the Authority's showing indicated that the Linden Channel 47 licensee would not interpose objection to the assignment and use of Channel 50 at Little Falls. In these circumstances, and in consideration of the evident need for an assignment in the area and of our determination that any other possible assignment would involve even more problems than Channel 50 for assignment to the Glen Ridge area, we felt the proposal might merit adoption notwithstanding our policy against relaxing the UHF intermodulation taboo on an ad hoc basis.

6. As a rule making matter it is unnecessary to waive any spacing requirements in order to assign Channel 50 to Little Falls, since the channel may be used in conformity with all spacing requirements in a relatively large area, roughly triangular in shape, beginning approximately 7 miles to the west-northwest of Little Falls (and the Authority's contemplated Channel 50 transmitter site on the northern edge of the campus of Montclair State College within the bounds of Little Falls). Therefore, having considered the Authority's proposal further, we are now of the view that Channel 50 should be assigned to Little Falls for ETV use without passing judgment on the Authority's requested use of the channel at a transmitter location requiring a deviation from the intermodulation taboo. In this circumstance, it is our normal policy not to consider such short-spaced proposals for use of an assignment in rule making proceedings, but in any later licensing section in connection with the application filed, since we feel this provides a better opportunity for their evaluation. We think it is desirable to follow this procedure with respect to the Authority's short-spaced proposal also, particularly since AMST comments dispute the Authority's claim that the alternate site area meeting spacing requirements which could be used for a Channel 50 transmitter would be unsatisfactory, and neither party's showing is sufficient for us to resolve that question of whether the Authority's proposal to use Channel 50 at a Little Falls transmitter site requiring a deviation from intermodulation taboo requirements is the only way in which the channel can reasonably be used effectively for ETV purposes. These questions must be resolved in acting upon the Authority's waiver request and can best be evaluated in connection with its application.

7. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. Accordingly, it is ordered, That effective June 11, 1971, § 73.606(b), Table

² For the intermodulation study, the third channel above Channel 50, plus and minus one (Channels 52, 53, 54), and the third channel below Channel 47, plus and minus one (Channels 43, 44, 45) were considered.

of Assignments, Television Broadcast Stations, is amended, to read as follows with respect to the city listed:

City	Channel No.
Little Falls, N.J.-----	*50

9. It is further ordered, That this proceeding is terminated.

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

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,⁶

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6348 Filed 5-5-71;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-7; Notice No. 71-7]

PART 391—QUALIFICATIONS OF DRIVERS

PART 392—DRIVING OF MOTOR VEHICLES

APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

Miscellaneous Amendments

The purpose of this issuance is to make nonsubstantive editorial and conforming amendments to rules in Parts 391 and 392 of, and in Appendix C to, the Motor Carrier Safety Regulations. These rules were issued in a single proceeding arising out of Docket No. MC-7 (35 F.R. 6458). The Director is making the changes to eliminate instances of inconsistent language in provisions dealing with the same subject matter, and to correct misspellings and a misprint.

Since these amendments do not affect the substance of the rules, notice and public procedure thereon are unnecessary, and they are effective on the date of issue set forth below.

In consideration of the foregoing, Subchapter B in Chapter III of Title 49, CFR is amended as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR §§ 1.48 and 389.4)

Issued on April 29, 1971.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

§ 391.43 [Amended]

I. The instructions for performing and recording physical examinations follow—

⁶ Commissioner Bartley absent.

ing § 391.43(c) of Part 391 are amended as follows:

A. In the fifth paragraph beginning *Head-eyes*, the word "spectacles" is amended to read "lenses" and the reference to aphacic drivers is deleted. As so amended, the paragraph reads as follows:

Head-eyes. When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examiner's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophthalmos, or strabismus, uncorrected by corrective lenses. Monocular drivers are not qualified to operate commercial motor vehicles under existing Motor Carrier Safety Regulations. If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

B. In the 16th paragraph beginning *Neurological*, the word "Rhomberg" is amended to read "Romberg".

C. In the form for recording the physical examination, under the heading "Reflexes", the word "Rhomberg" is amended to read "Romberg".

II. § 391.65(b) of Part 391 is amended to read as follows:

§ 391.65 Drivers furnished by other motor carriers.

(b) A motor carrier that obtains a certificate in accordance with paragraph (a) (2) of this section shall retain a copy of that certificate and a copy of the driver's medical examination certificate in its files for 3 years.

III. § 392.9a of Part 392 is amended to read as follows:

§ 392.9a Corrective lenses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses must wear properly prescribed corrective lenses at all times while he is driving. If a driver wears contact lenses while driving, he must have a spare lens or set of lenses on his person when he drives.

IV. The first sentence of Appendix C is amended by changing the word "a" to read "at". As so amended, the sentence reads as follows: "As required in § 391.35, the written examination shall consist of at least 30 questions, and they shall be chosen in such manner as to test the examinee's knowledge of Parts 390-397 of the Motor Carrier Safety Regulations."

[FR Doc.71-6343 Filed 5-5-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Location of Approved Self-Rescue Devices

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding § 75.1714-2, as set forth below. This proposed amendment prescribes requirements for the location of approved self-rescue devices which must be available to each miner employed in an underground coal mine.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

APRIL 23, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 75.1714-2 Approved self-rescue devices; location; requirements.

(a) Except as provided in paragraphs (b) and (c) of this section, self-rescue devices meeting the requirements of § 75.1714 shall be worn or carried on the person of each miner.

(b) Where the wearing or carrying of self-rescue devices meeting the requirements of § 75.1714 is hazardous to a miner, such self-rescue devices shall be located at a distance no greater than 25 feet from such miner.

(c) Where a miner works on or around mobile equipment, self-rescue devices may be placed in a readily accessible location on such equipment.

[FR Doc.71-6327 Filed 5-5-71; 8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of

§ 929.104 *Outlets for restricted cranberries*, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendment of said rules and regulations was proposed by the Cranberry Marketing Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof.

After inspection and certification it is a usual practice to dispose of withheld cranberries without delay to the outlets specified in § 929.104. In consequence handlers have not had certified cranberries available for withholding when subsequently solicited by charitable institutions (an approved outlet pursuant to § 929.104) to donate small quantities of withheld cranberries for consumption by the institution. Due to delays and additional costs attendant to making special arrangements for inspection and certification, handlers have refrained from qualifying cranberries for withholding and donating them to these institutions. The amendment would provide flexibility in supplying these institutions with cranberries during periods when handlers are not scheduling requests for inspection and certification of cranberries for withholding by permitting handlers to donate not more than 25 barrels of cranberries without inspection and certification to any one charitable institution during any fiscal period. Accordingly, it is proposed that the introductory language in paragraph (a) and paragraph (b)(2) of § 929.104 be amended to read as follows:

§ 929.104 Outlets for restricted cranberries.

(a) Except as otherwise provided in paragraph (b)(2) of this section, after inspection pursuant to § 929.54(c), cranberries withheld from handling may, in accordance with § 929.57, be disposed of only through diversion in the following noncompetitive outlets but only if the requirements in paragraph (b) of this section also are complied with:

(b) * * *

(2) Diversion to charitable institutions: A statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution shall be submitted to the committee: *Provided*, That a handler may donate to any one charitable institution, exempt from the inspection and certifica-

tion requirements prescribed under § 929.54(c), a quantity of cranberries not exceeding 25 barrels during any fiscal period: *Provided further*, That in addition to the statement specified above in this subparagraph, each handler shall furnish to the committee a report certifying the quantity and destination of the cranberries so donated by him.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendment should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 3, 1971.

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

[FR Doc.71-6364 Filed 5-5-71; 8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1913]

[Docket No. R-71-103]

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF FEDERAL DISASTER BENEFITS

Notice of Proposed Rule Making

Pursuant to the National Food Insurance Act of 1968 (42 U.S.C. 4001, 82 Stat. 572, as amended by sections 408-410 of Public Law 91-152, 83 Stat. 396-397) and delegation of authority by the Secretary of Housing and Urban Development (35 F.R. 2680), the Federal Insurance Administrator proposes to issue the regulation set forth below as a new Part 1913 of Chapter VII of Title 24 of the Code of Federal Regulations.

The purpose of this proposed regulation is to establish the criteria for determining who are "low income persons" as that term is used in section 1314 of the Act, and to state the circumstances under which such "low income persons" are exempted from the Act's denial of Federal disaster benefits to persons who could have purchased flood insurance to cover a particular loss and failed to do so. The income limit proposed for qualification as a "low income person" is the income limit used to determine eligibility for assistance under sections 235 and 236 of the National Housing Act.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before May 27, 1971, will be considered by the Administrator before adopting this regulation. Copies of comments submitted will be available during business hours, both before and after the closing date, at the above address, for examination by interested persons.

The proposed Part 1913 reads as follows:

PART 1913—NONDUPLICATION OF FEDERAL DISASTER BENEFITS

§ 1913.1 Incorporation by reference.

The definition of "adjusted annual income," "family," "gross annual income," and "minor" set forth in § 235.5 of this title shall apply to this part.

§ 1913.2 Special definitions.

(a) "Date flood insurance was made available" means the date when the area (or subdivision thereof) in which the property is situated first appears in the list of designated areas eligible for flood insurance set forth in § 1914.4 of this subchapter.

(b) "Low income persons" means individuals or families having adjusted annual incomes not exceeding the approved income limits for eligibility for housing under sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z and z-1), as periodically established by HUD Handbook HPMC-FHA 4400.30A for the county or locality in which the property is situated.

§ 1913.3 Purpose of part.

Section 1314 of the Act (42 U.S.C. 4021) and section 208 of the Disaster Relief Act of 1970 (Public Law 91-606) contemplate a relationship between the flood insurance program and other Federal disaster assistance programs. It is the purpose of this part to clarify that relationship.

§ 1913.4 Reduction of Federal disaster assistance.

(a) Under section 1314 of the Act no Federal disaster assistance shall be made available to any person for the physical loss, destruction, or damage of real or personal property to the extent that such loss, destruction, or damage—

(1) Is covered by a valid claim under flood insurance made available under the Act, or

(2) Could have been covered by such a valid claim under flood insurance which had been made available under the authority of the Act, if—

(i) Such physical loss, destruction, or damage occurred at least 1 year after the date flood insurance was made avail-

able in the area (or subdivision thereof) in which the property is located, and

(ii) Such property was eligible for flood insurance under the Act at that date.

(b) The prohibition in paragraph (a)(2) of this section denying Federal disaster benefits shall not apply to low income persons. For purposes of this part, the application of paragraph (a)(2) of this section to low income persons creates an undue hardship within the meaning of section 1314 of the Act.

(c) For purposes of this part "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) A major disaster (within the meaning of that term as determined by the President pursuant to the Disaster Relief Act of 1970 (Public Law 91-606)), or

(2) A natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), or

(3) A disaster with respect to which loans may be made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

GEORGE K. BERNSTEIN,

Federal Insurance Administrator.

[FR Doc.71-6360 Filed 5-5-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

WAIVERS OF DEFENSES ENDORSEMENT

Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration the amendment of 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, and a proposed endorsement to the facility form of nuclear liability insurance policy furnished as financial protection, to clarify the waivers of defenses provisions in the facility form and in the AEC indemnity agreement forms. The proposed endorsement to the facility forms and the proposed amendments to the Commission indemnity agreement forms would clarify that a licensee's workers who are employed at an indemnified site exclusively in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission, and who are not employed in connection with the possession, storage, use, or transfer of nuclear material at the facility, will maintain their rights under the waivers of defenses provisions of the nuclear liability form and of the indemnity agreement. The waivers of defenses provisions in the event of an "extraordinary nuclear occurrence" are also intended to be available to an indemnified licensee's employees engaged at an indemnified location in the construction of a follow-on pro-

duction or utilization facility (nuclear power reactor) for which no operating license has been issued.

It is the intention of the insurers and the Commission that claimants employed exclusively in connection with the construction of a nuclear reactor include those employees engaged in maintaining a facility, the construction of which is essentially complete in an appropriate state of readiness pending the receipt by the applicant of the operating license, even though the maintenance duties in connection with the facility may not be full time.

The insurers who provide nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have agreed to the addition of the clarifying endorsement to the forms of insurance policies issued by them. The proposed amendments would reflect that agreement in the Commission's regulations. The Commission forms of indemnity agreement would correspondingly be amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 140 is contemplated.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. Section 140.91 is amended by adding to the Waiver of Defenses Endorsement a new paragraph 6 to read as follows:

§ 140.91 Appendix A—Form of nuclear energy liability policy for facilities.

6. It is agreed that in construing the application of paragraph 2(b) of the Waiver of Defenses Endorsement (NE-33) with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use, or transfer of nuclear material at the facility.

2. Section 140.92 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.92 Appendix B—Form of indemnity agreement with licensees furnishing proof of financial protection.

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

- (1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and
- (2) No operating license has been issued by the AEC with respect to the nuclear reactor, and
- (3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

3. Section 140.93 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.93 Appendix C—Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources.

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

- (1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and
- (2) No operating license has been issued by the AEC with respect to the nuclear reactor, and
- (3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

4. Section 140.94 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.94 Appendix D—Form of indemnity agreement with Federal agencies.

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

- (1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and
- (2) No operating license has been issued by the AEC with respect to the nuclear reactor, and
- (3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

5. Section 140.95 is amended by adding a proviso at the end of subparagraph 3(c) of Article II to read as follows:

§ 140.95 Appendix E—Form of indemnity agreement with nonprofit educational institutions.

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

- (1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and
- (2) No operating license has been issued by the AEC with respect to the nuclear reactor, and
- (3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 80 Stat. 891; 42 U.S.C. 2201, 2210)

Dated at Washington, D.C., this 19th day of April 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-6320 Filed 5-5-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[21 CFR Part 420]

SODIUM CHLORATE

Proposal To Establish Tolerances for Pesticide Chemicals

Sodium chlorate is exempt from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as a defoliant or desiccant in cotton production. Evidence indicates that sodium chlorate is also useful as a fungicide. The registered label includes a fungicidal claim for use on cotton at the same dosage and with the same limitations as for the desiccant and defoliant usage. It is concluded that extension of the existing exemption to cover this fungicidal usage will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), it is proposed that § 420.1020 be revised to read as follows:

§ 420.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in

or on cottonseed when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide in cotton production.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6339 Filed 5-5-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18179; FCC 71-454]

TELEVISION PROGRAMS PRODUCED BY NONNETWORK SUPPLIERS

Availability to Commercial Television Stations and CATV Systems

Order. In the matter of amendment of Part 73 of the Commission's rules with respect to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems.

1. The Commission has before it a petition by KTBS-TV, Inc., licensee of Station KTBS-TV, Shreveport, La.; Griffin Television, Inc., licensee of Station KWTW, Oklahoma City, Okla.; and Eastern Oklahoma Television Co., Inc., licensee of Station KTEN(TV), Ada, Okla., filed on April 13, 1971, requesting an extension of time in which to file comments in the above-captioned proceeding. Specifically, petitioner has requested that the time for filing comments to the Commission's further notice of proposed rule making in Docket No. 18179 be extended to the 30th day following release of what is described as the Commission's first report and order in Docket No. 18179.

2. At the time we released the further notice of proposed rule making on January 8, 1971, the Commission announced its intention to resolve the question of geographical and related aspects of exclusivity in the near future as follows:

Finally, we shall not delay resolution of the geographical or related aspects of exclusivity until consideration of the comments received on this in-depth "time" aspect; rather, we intend shortly to issue a decision on aspects of the proceeding as to which, in our judgment, the present comments do supply a proper basis for action (e.g., geographical and, indeed, where appropriate, some "time") facets.

Such a decision would be issued, under normal procedure, as a first report and order in the proceeding.

3. Petitioner contends that it cannot appropriately submit comments with respect to the further notice until resolution of the geographical and other facets of the nonnetwork program exclusivity question. To do so, petitioner submits, would result in a substantial duplication of comments, replete with needless variables which petitioner contends would significantly delay the proceeding.

4. When we initially established a date for the filing of comments in response to the further notice of proposed rule making, it was contemplated that the comments would be submitted in the light of our prior resolution of the geographical and related aspects of the exclusivity question, and we remain of the view that this chronology would be conducive to a coherent and timely completion of the proceeding.

5. Accordingly, it is ordered, That the petition for extension of time in which parties may file comments with respect to the further notice of proposed rule making in this proceeding (FCC 71-42) is granted, and that the time for filing such comments is extended to the thirtieth day following Commission release of its first report and order in this proceeding.

Adopted: April 28, 1971.

Released: April 30, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6346 Filed 5-5-71; 8:48 am]

[47 CFR Part 73]

[Docket No. 19244; FCC 71-440]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, CANANDAIGUA, N.Y.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Canandaigua, N.Y.), Docket No. 19244, RM-1632.

1. Notice of proposed rule making is given in the above-captioned proceeding. By petition filed May 22, 1970, Canandaigua Broadcasting Co., Inc., licensee of Station WCGR(AM), (Canandaigua Broadcasting) requests institution of a rule making proceeding looking toward amendment of § 73.202(b) of the Com-

¹ Commissioner Bartley absent; Commissioners Johnson and Houser dissenting.

mission's rules that would result in modification of the FM Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Geneva, N.Y.	272A	¹ 269A
Canandaigua, N.Y.		272A

¹ Proposed Channel 269A at Geneva would require selection of a transmitter site at a distance of at least 3 miles northeast from the city reference point. This restriction is the result of assignments of Channel 269A at Owego, N.Y., and Channel 267 at Rochester, N.Y.

Channel 272A at Geneva is presently unoccupied. However an application has been filed seeking the use of this channel there. Canandaigua, with a population of 10,356, is the seat of Ontario County, population 78,064.¹ The city has one daytime-only standard broadcast station and no FM station. Ontario County has one other standard broadcast station, at Geneva, and two FM channel assignments, at South Bristol Township (Station WMIV) and the unoccupied channel at Geneva which is involved here.

2. In support of its request, Canandaigua Broadcasting contends that its proposal would provide a first local FM service to Canandaigua, while not causing loss of a channel at Geneva, N.Y. It asserts that Canandaigua is a growing community with expected population of 26,500 persons by 1978, and that its retail trade experienced, during the last measured period between 1954 and 1963, the highest growth rate in New York State. Channel 272A is the only channel, according to Canandaigua Broadcasting, that will permit compliance with the mileage separation rules, and the only hope for Canandaigua to have a local nighttime service.

3. The petitioner's preclusion study indicates that assignment of Channel 272A at Canandaigua would preclude assignment of FM channels to very limited areas where there are no communities, and that the replacement of Channel 272A at Geneva with Channel 269A would preclude only the use of Channel 269A in a relatively large area. It appears that Dansville, with a population of 5,363, is the only community of sufficient size located within this area which is without an FM assignment, and a channel could be assigned. However, we believe that Dansville does not warrant assignment of an FM channel compared to Geneva which is a much larger community of 16,647 persons. Channel 269A as a replacement channel would be Geneva's only FM assignment.

4. One other matter of consideration is the relationship of Channel 272A assignment with respect to the Canadian Government. There is now assigned Channel 272B* at Belleville, Ontario, which is located 92 miles from Geneva. The required separation for the classes

¹ All population figures are from the Preliminary 1970 U.S. Census.

of stations involved here is 135 miles. The proposal to move Channel 272A to Canandaigua would decrease the station separation to 89 miles. The petitioner claims that a station at Canandaigua operating with maximum Class A facility would place at the nearest point of land in Canada the same signal level as a station at Geneva would provide, and that interference would not be caused to a Class B station operating at Belleville within any point of land area of Canada because its signal level would be more than 20 db below the 1 mv/m (60 dbu) value of a Canadian station. Since the proposal would provide Canandaigua, which appears to have growth potential, with a first FM channel and a first nighttime local aural service, the public interest would be served by inviting comments on the Canandaigua Broadcasting proposal. However, we are setting forth the proposed changes in the Table of Assignments with the understanding that the concurrence of the Canadian Government must be obtained before the table would be amended.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments in § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Geneva, N.Y.	272A	¹ 269A
Canandaigua, N.Y.		272A

¹ The proposed assignment must be used at a point at least 3 miles northeast of city's reference point.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 11, 1971, and reply comments on or before June 21, 1971. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6345 Filed 5-5-71; 8:48 am]

² Commissioner Bartley absent.

[47 CFR Part 74]

[Docket No. 19246; FCC 71-455]

NONDISCRIMINATION IN
EMPLOYMENT PRACTICESOperators of Community Antenna
Television Systems and Community
Antenna Relay Station Licensees

1. In its July 3, 1968, Memorandum Opinion and Order and Notice of Proposed Rule Making in Docket No. 18244, 13 FCC 2d 766, 33 F.R. 9960, the Commission ruled that discrimination in employment practices by broadcast licensees was incompatible with their obligation to operate in the public interest. A Report and Order in Docket No. 18244, 18 FCC 2d 240, 43 F.R. 9284, promulgated new rules for the broadcast services, requiring that equal opportunities in employment be afforded by all broadcast licensees. On May 20, 1970, the Commission adopted additional rules providing for the filing of an annual employment report with the Commission, the maintenance of records, and the preparation of specific equal employment opportunity programs by applicants and licensees (23 FCC 2d 430, 35 F.R. 8825). Similar findings and rules concerning the employment practices of common carriers were adopted by the Commission on November 19, 1969 (Docket No. 18742, 34 F.R. 19200), and August 5, 1970 (FCC 70-863, 35 F.R. 12892).

2. We believe that the same considerations of public policy that apply to broadcast and common carrier facilities are applicable to community antenna television systems and community antenna relay stations. The national policy against discrimination in employment on the basis of race, religion, sex, or national origin is clear. Thus, title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for employees in an industry affecting interstate commerce who employ at least 25 persons to discriminate because of race, color, religion, sex or national origin in the hiring, discharging, or training of employees, or in fixing their terms and conditions of employment, including compensation, privileges, and classification. In addition to the Civil Rights Act, a number of States and cities have laws and ordinances prohibiting discrimination on the grounds of sex, race, color, religion, or national origin. In most cases the minimum number of employees which bring the employer within the State statutes is less than 25 and in many cases it is less than eight. It may well be that a substantial percentage of community antenna television systems and community antenna relay stations are subject to Federal, State, or local antidiscrimination laws. We believe, however, that the national policy against discrimination is applicable to all CATV systems and CAR stations, whether or not they are subject to the specific provisions of the Civil Rights Act.

3. In exercising its regulatory functions with respect to CATV systems and

CAR stations, it is appropriate for the Commission to consider, inter alia, whether the CATV or CAR operator is law abiding. Report on Establishment of Uniform Policy in Connection with Violations by an Applicant of Laws of the United States, 1 RR, pt. 3, par. 91:32. Thus the Commission should consider whether the operator has violated or is in violation of the Civil Rights Act or pertinent State or local laws or ordinances in this field. Of equal importance, the Commission must consider the unique status occupied by CATV systems (and their related CAR stations) in the provision of television service to the general public. In many communities, the general public must turn to it for any adequate television reception. In other communities, it provides the only avenue for local TV programming. Unlike a broadcast station, which provides only one channel of communication, a CATV system provides numerous channels to residents and businesses within its service area. Thus, CATV systems and the CAR associated with them have a unique and peculiar public interest role. Indeed, CATV systems, by virtue of their multi-channel capacity, may help substantially to meet the need for television service satisfying the diverse video and audio programming interests of various minority groups. It would seem evident, however, that a company which follows discriminatory employment practices would find it more difficult than otherwise to meet the special programming needs of discriminated-against minority groups. For these reasons, it would be improper for the Commission to countenance discriminatory practices.

4. We therefore give notice of proposed rule making. The proposed rules are set forth below. The proposed rules, similar to those in effect for broadcast licensees and common carriers, can be put into three categories: (1) The requirement that each CATV or CARS operation establish and maintain a program which is designed to assure equal opportunity; (2) provision for FCC reporting forms to give the Commission yearly statistical and substantive information on compliance by CATV and CARS operations; and (3) provision for forms to be filed by each CATV system operator, CAR station licensee or permittee, or a person filing notice under § 74.1105 of the rules, or applicant for a CAR station construction permit, giving the Commission information regarding the system's or station's nondiscrimination program. The rules relating to filing of reports and forms would be limited to operators and licensees having five or more employees.¹ The requirement that each CATV or

¹ For this purpose, the total number of employees consists of all employees, including persons with an ownership interest, of a single employment unit (consisting of one or more CATV systems and/or CAR stations, or a headquarters office). See proposed §§ 74.1025(b)(3) and 74.1125(b)(3) below, and paragraph 4 (b) and (c) of proposed "Instructions for Annual Employment Report" (filed as part of the original document).

CARS operation maintain a program designed to insure equal employment opportunity would apply to all CATV and CARS operations, regardless of number of employees.

5. Complaints received by the Commission will be processed in the following manner: (1) If a complaint raising a substantial issue of discrimination is received against a company with 25 or more employees, thus making the Civil Rights Act applicable, the Commission will refer the complaint to the Equal Employment Opportunities Commission, and will thereafter maintain appropriate liaison with that agency and the Department of Justice. Insofar as this aspect of the matter is concerned, final action on a notification filed pursuant to § 74.1105 or a CARS application (other than for approval of a minor modification) would await resolution of the referral.² (2) In the case of complaints against operations which, while not covered by the Civil Rights Act, do come within State or local fair employment laws, the referral by the Commission would be to the appropriate State or local authority; and the same procedure as outlined above would be followed. (3) Where substantial complaints are lodged against CATV and CARS operators which, due to the small number of their personnel or the absence of State or local legislation, fall under neither Federal, State, nor local fair employment provisions, the Commission itself would act upon these complaints in accordance with the above-stated policy.

6. Authority for the proposed rules is set forth in sections 2(a), 3 (b) and (d), 4(i), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C.

7. All interested parties are invited to file written comments on or before June 11, 1971, and reply comments on or before June 21, 1971. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS

COMMISSION,³

[SEAL] BEN F. WAPLE,

Secretary.

² In appropriate cases, the Commission may make an independent inquiry into the complaint.

³ Chairman Burch concurring and issuing a statement which is filed as part of the original document; Commissioner Bartley absent; Commissioner Johnson concurring; Commissioner Wells concurring in part and dissenting in part.

A. Part 74, Subpart J, is amended as follows:

1. New § 74.1025 is added, to read as follows:

§ 74.1025 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of community antenna relay stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin, or sex.

(b) *Equal employment opportunity program.* (1) Each station shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice.

(2) Under the terms of its program, a station shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(ii) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(iii) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis.

(iv) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, or sex from the station's personnel policies and practices and working conditions.

(v) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

(3) Where two or more community antenna relay stations and/or community antenna television systems, under common ownership and/or control, are so interrelated in their management, operation, and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained, and carried out by them.

(c) *Additional information to be furnished to the Commission.*—(1) *Equal employment programs to be filed by community antenna relay station licensees, permittees.* (i) The licensee or permittee of each station shall file a statement of its equal employment opportunity program not later than _____, 1971, indicating specific practices to be followed in order to assure equal employment opportunity for females, Negroes, Orientals, American Indians, and Spanish surnamed Americans in such aspects of employment practices as regard recruitment, selec-

tion, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.

(a) Any changes or amendments to existing programs shall be filed with the Commission on April 1 of each year thereafter.

(b) If the station (1) has fewer than five full-time employees, and (2) does not (within the meaning of paragraph (b)(3) of this section together with one or more other community antenna relay stations and/or community antenna television systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment program need not be filed.

(c) Where, pursuant to paragraph (b)(3) of this section, a program is jointly established by two or more stations and/or systems with an aggregate total of five or more full-time employees, a combined statement shall be filed.

(d) If, pursuant to (b) of this subdivision or § 74.1031(f), a station has been exempted from the requirement that it file an equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during a calendar year, it shall file the statement on or before April 1 of the following calendar year.

(2) *Contents of the equal employment opportunity program statement.* The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment unit size, location, etc.

(i) *To assure nondiscrimination in employment.* (a) Posting notices in the licensee's or permittee's offices informing applicants for employment of their equal employment rights and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a substantial number of applicants are Spanish-surnamed Americans such notice should be posted in Spanish and English.

(b) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against.

(c) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

(d) Recruiting through schools and colleges with significant minority-group enrollments.

(e) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral or qualified minority or female applicants.

(f) Encouraging present employees to refer minority or female applicants.

(g) Making known to the appropriate recruitment sources in the employer's

immediate area that qualified minority members are being sought for consideration whenever the licensee or permittee hires.

(ii) *To assure nondiscrimination in selection and hiring.* (a) Instructing personally those on the staff of the licensee or permittee who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(b) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements.

(c) Avoiding use of selection techniques or tests which have the effect of discriminating against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (a) Instructing personally those of the licensee's or permittee's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(b) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counseling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(c) Reviewing seniority practices to insure that such practices are not nondiscriminatory and do not have a discriminatory effect.

(d) Avoiding use of selection techniques or tests, which have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.*

(a) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(b) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against licensees and permittees.* (1) All licensees or permittees shall submit an annual report to the FCC not later than April 1 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report shall state the parties involved, the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(ii) Any licensee or permittee who has filed such information with the EEOC need not do so with the Commission, if such previous filing is indicated.

(e) *Report of annual employment.*

(1) Each community antenna relay station licensee or permittee with five or more full-time employees shall file with the Commission, on or before May 31 of each year, on FCC Form -----, an annual employment report.

(2) Where, pursuant to paragraph (b) (3) of this section, an equal employment opportunity program is jointly established by two or more community antenna relay stations and/or community antenna television systems with an aggregate total of five or more full-time employees, a combined annual employment report shall be filed.

(f) *Records available to public.*—(1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by references, are open for public inspection at the offices of the Commission.

(2) *Records to be maintained locally for public inspection by licensees or permittees.*—(i) *Records to be maintained.* Each licensee or permittee required to file annual employment reports, equal employment opportunity programs, and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference. Such file shall be located at the principal place of employment to which the reports therein refer.

(ii) *Period of retention.* The documents specified in subdivision (i) of this subparagraph shall be maintained for a period of 2 years.

2. New paragraph (f) is added to § 74.1031 to read as follows:

§ 74.1031 Eligibility and contents of application.

(f) An application for a community antenna relay station construction permit shall include a statement of the station's equal employment opportunity program, as described in § 74.1025(c) (2). However, if the applicant believes that the station will (continuously during the first 12 months of operations pursuant to the grant of the permit) satisfy the conditions in § 74.1025(c) (1) (i) (b) (1) and (2), he may submit a statement justify-

ing that conclusion in lieu of a statement of the station's equal employment opportunity program.

NOTE: Paragraph (f) of § 74.1031 does not apply to applications filed before the effective date of that paragraph.

B. Part 74, Subpart K, is amended as follows:

1. New paragraph (e) is added to § 74.1105 to read as follows:

§ 74.1105 Notification prior to commencement of new service.

(e) *Equal employment opportunity program.* A notification filed with the Commission pursuant to this § 74.1105 shall be accompanied by a statement of the system's equal employment opportunity program, as described in § 74.1125 (c) (2). However, if the notifier believes that the system will (continuously during the first 12 months of the provision of service described in the notification) satisfy the conditions in § 74.1125 (c) (1) (i) (b) (1) and (2), he may submit a statement justifying that conclusion in lieu of a statement of the system's equal employment opportunity program.

NOTE: Paragraph (e) of § 74.1105 does not apply to notifications on file on or before the effective date of that paragraph.

2. New § 74.1125 is added, to read as follows:

§ 74.1125 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all operators of community antenna television systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin, or sex.

(b) *Equal employment opportunity program.* (1) Each system shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice.

(2) Under the terms of its program, a system shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(ii) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(iii) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis.

(iv) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, or sex from the

system's personnel policies and practices and working conditions.

(v) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the system.

(3) Where two or more community antenna relay stations and/or community antenna television systems, under common ownership and/or control, are so interrelated in their management, operations, and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained, and carried out by them.

(c) *Additional information to be furnished to the Commission.*—(1) *Equal employment programs to be filed by community antenna television system operators.* (i) The operator of each system shall file a statement of its equal employment opportunity program not later than -----, 1971, indicating specific practices to be followed in order to assure equal employment opportunity for Females, Negroes, Orientals, American Indians, and Spanish surnamed Americans in such aspects of employment as regard recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.

(a) Any changes or amendments to existing programs shall be filed with the Commission on April 1 of each year thereafter.

(b) If the system (1) has fewer than five full-time employees, and (2) does not (within the meaning of paragraph (b) (3) of this section together with one or more other community antenna relay stations and/or community antenna television systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment program need not be filed.

(c) Where, pursuant to paragraph (b) (3) of this section, a program is jointly established by two or more stations and/or systems with an aggregate total of five or more full-time employees, a combined statement shall be filed.

(d) If, pursuant to (b) of this subdivision 74.1105(e), a system operator has been exempted from the requirement that it file an equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during a calendar year, it shall file the statement on or before April 1 of the following year.

(2) *Contents of the equal employment program statement.* The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment, unit size, location, etc.

(i) *To assure nondiscrimination in employment.* (a) Posting notices in the CATV system operator's offices informing applicants for employment of their equal employment rights and their right

to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a substantial number of applicants are Spanish-surnamed Americans such notice should be posted in Spanish and English.

(b) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against.

(c) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

(d) Recruiting through schools and colleges with significant minority-group enrollments.

(e) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority or female applicants.

(f) Encouraging present employees to refer minority or female applicants.

(g) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members are being sought for consideration whenever the licensee or permittee hires.

(ii) *To assure nondiscrimination in selection and hiring.* (a) Instructing personally those on the staff of the operator who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(b) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements.

(c) Avoiding use of selection techniques or tests which have the effect of discrimination against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (a) Instructing personally those of the operator's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(b) Giving minority groups and female employees equal opportunity for posi-

tions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(c) Reviewing seniority practices to insure that such practices are nondiscriminatory and do not have a discriminatory effect.

(d) Avoiding use of selection techniques or tests, which have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.*

(a) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(b) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against CATV system operators.* (1) All operators shall submit an annual report to the Commission no later than April 1 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report shall state the parties involved, the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(ii) Any licensee or permittee who has filed such information with the EEOC need not do so with the Commission, if such previous filing is indicated.

(e) *Report of annual employment.* (1) Each CATV system operator with five or more full-time employees shall file with the Commission, on or before May 31 of each year, on FCC Form -----, an annual employment report.

(2) Where pursuant to paragraph (b)(3) of this section, an equal employment opportunity program is jointly established by two or more community antenna relay stations and/or community antenna television systems with an aggregate total of five or more full-time employees, a combined annual employment report shall be filed.

(f) *Records available to the public—*

(1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and

copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference, are open for public inspection at the offices of the Commission.

(2) *Records to be maintained locally for public inspection by operators—* (1) *Records to be maintained.* Each operator required to file annual employment reports, equal employment opportunity programs and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference. Such file shall be located at the principal place of employment to which the reports therein refer.

(ii) *Period of retention.* The documents specified in subdivision (i) of this subparagraph shall be maintained for a period of 2 years.

[FR Doc.71-6344 Filed 5-5-71;8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510, 543]

[Docket No. 71-22]

SCHEDULE OF FEES AND CHARGES

Further Enlargement of Time To Comment

Notice is hereby given that time within which views or comments may be submitted in response to the notice of proposed rulemaking in this proceeding (3-20-71; 36 F.R. 5369) is enlarged to and including May 17, 1971.

Comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, and should be submitted in an original with 15 copies.

All suggestions for changes in text of the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By the Commission.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6365 Filed 5-5-71;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SAN MANUEL INDIAN RESERVATION,
CALIF.

Ordinance Relating to Application of Federal Indian Liquor Laws

APRIL 23, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the San Manuel Indian Reservation, Calif., was adopted on December 13, 1970, by the San Manuel Band of Mission Indians, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the San Manuel Band: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.71-6328 Filed 5-5-71;8:46 am]

Bureau of Land Management

[Serial No. A 2696]

ARIZONA

Designation of Aravaipa Canyon
Primitive Area

APRIL 28, 1971.

The Secretary of the Interior by
notice in the January 16, 1969, FEDERAL

REGISTER established the Aravaipa Canyon Primitive Area on public lands in Pinal and Graham Counties, Ariz. Subsequently, the Bureau of Land Management with the aid and advice of public land user and interest groups has prepared a management plan for the Aravaipa Canyon Primitive Area. The plan concluded that certain lands in Turkey Creek should be excluded from the Aravaipa Canyon Primitive Area, and that additional lands along the north and south rims of Aravaipa Canyon be added to the Primitive Area.

Therefore, pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated April 20, 1971, I hereby make these boundary adjustments by designating the public lands in the following described area as the Aravaipa Canyon Primitive Area:

GILA AND SALT RIVER MERIDIAN PINAL COUNTY

- T. 6 S., R. 17 E.,
Sec. 13, lots 1 to 8, inclusive.
T. 6 S., R. 18 E.,
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, S $\frac{1}{2}$;
Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 16, N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$, SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

GRAHAM COUNTY

- T. 6 S., R. 19 E.,
Sec. 19, lots 1, 2, and 3.

The area described aggregates about 4,044.31 acres of public lands.

The Aravaipa Canyon Primitive Area is a Class V Primitive Area under the Bureau of Outdoor Recreation system of classification.

JOE T. FALLINI,
State Director.

[FR Doc.71-6335 Filed 5-5-71;8:47 am]

[C-58, C-216, C-2064, C-0127432, C-0127417]

COLORADO

Order Providing for Opening of Public Lands

APRIL 27, 1971.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States.

SIXTH PRINCIPAL MERIDIAN, COLORADO

- T. 4 N., R. 80 W.,
Sec. 36.

- T. 10 N., R. 91 W.,
Sec. 6, Lots 8, 11, 22, 23, 24, and 25;
Sec. 7, lots 8, and 9.
T. 5 N., R. 92 W.,
Sec. 18, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 10 N., R. 92 W.,
Sec. 3, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 10 N., R. 94 W.,
Sec. 6, lots 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 11 N., R. 94 W.,
Sec. 1, S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 10 N., R. 95 W.,
Sec. 1, lots 1, and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 5, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 (all);
Sec. 12, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$.
T. 11 N., R. 95 W.,
Sec. 7, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 9 N., R. 96 W.,
Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$.
T. 10 N., R. 96 W.,
Sec. 14, lots 6 and 7, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 12 S., R. 103 W.,
Sec. 20, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$.

The areas described aggregate 6,106.30 acres of public lands.

2. These lands are in Grand, Moffat, and Mesa Counties in western and northwestern Colorado. The topography ranges from gently rolling to moderately steep. The soils are variable, but generally of only moderate quality capable of supporting native weeds, grasses, and shrubs.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on June 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described below will be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws at 10 a.m. on June 2, 1971.

SIXTH PRINCIPAL MERIDIAN, COLORADO

- T. 4 N., R. 80 W.,
Sec. 36.

Mineral rights in the remaining lands listed in paragraph 1 were not exchanged, therefore the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 15019

Federal Building, 1961 Stout Street, Denver, CO 80202.

E. I. ROWLAND,
State Director.

[FR Doc.71-6334 Filed 5-5-71;8:47 am]

Office of the Secretary

W. I. MARTIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of April 19, 1971.

Dated: April 19, 1971.

W. I. MARTIN.

[FR Doc.71-6329 Filed 5-5-71;8:46 am]

EMMETT A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of April 22, 1971.

Dated: April 22, 1971.

E. A. VAUGHEY.

[FR Doc.71-6330 Filed 5-5-71;8:46 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce
BONA FIDE MOTOR-VEHICLE
MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter VI, Part 615, of Title 15 of the Code of Federal Regulations (36 F.R. 7127), the Director, as of March 1, 1971, has determined the following to be bona fide motor-vehicle manufacturers:

Action-Age, Inc., 18780 Cranwood Parkway, Cleveland, OH 44128, September 11, 1970.
Haywood Adams Brake Service, 116 Carroll Street, Thomasville, GA 31792, January 18, 1971.

Advanced Equipment Corp., 260-09 Hillside Avenue, Floral Park, NY 11004, May 31, 1970.
Allis-Chalmers Manufacturing Co., Outdoor Products Division, Post Office Box 128, Lexington, SC 29072, October 1, 1970.
AMF Inc., Whiteford Road, York, PA 17402, May 2, 1971.
American Motors Corp., 14250 Plymouth Road, Detroit, MI 48232, January 18, 1971.
American Traller Service, Inc., 2814 North Cleveland Avenue, St. Paul, MN 55113, January 18, 1971.
American Trallors, Inc., 1500 Exchange Avenue, Oklahoma City, OK 73101, January 18, 1971.
Amthor's Welding Service, Inc., Route 52 East, Walden, NY 12586, July 26, 1970.
Antietam Equipment Corp., Post Office Box 91, Hagerstown, MD 21740, January 1, 1971.
Arctic Enterprises, Inc., Zeh and South Labree, Thief River Falls, MN 56701, August 1, 1970.
Ariens Co., 655 West Ryan Street, Brillion, WI 54110, August 10, 1970.
Atlas Eastern, Inc., 858 Providence Highway, Dedham, MA 02026, June 25, 1970.
ATV Manufacturing Co., 1215 William Flynn Highway, Route 8, Glenshaw, PA 15110, September 30, 1970.
Aurora Engineering, 9717 West M-21, Ovid, MI 48866, January 6, 1971.
Automotive Safety, Inc., 725 Dowd Avenue, Elizabeth, NJ 07201, January 18, 1971.
Automotive Service Co., 111-113 North Waterloo, Jackson, MI 49204, January 18, 1971.
Avanti Motor Corp., 765 South Lafayette Boulevard, South Bend, IN 46623, January 10, 1971.
Barrett Equipment, Inc., Route 3, Hooksett, NH 03106, April 1, 1971.
Bethlehem Fabrication, Inc., 1700 Riverside Drive, Riverside Industrial Park, Bethlehem, PA 18016, April 15, 1970.
Adams Black & Sons, Inc., 276-300 Tonnele Avenue, Jersey City, NJ 07306, January 18, 1971.
Blue Bird Body Co., Post Office Box 937, Fort Valley, GA 31030, January 18, 1971.
Boatell Co., Inc., 24 Walnut, Mora, MN 55051, October 10, 1970.
Boyertown Auto Body Works, Inc., Third and Walnut Street, Boyertown, PA 19512, September 1, 1970.
Brake & Equipment Co., Inc., 1801 North Mayfair Road (Highway 100), Milwaukee, WI 53226, January 1, 1971.
Brake Service and Parts, Inc., 170 Washington Street (Post Office Box 774), Bangor, ME 04401, January 18, 1971.
Bristol-Donald Co., Inc., 50 Roanoke Avenue, Newark, NJ 07105, January 1, 1971.
The Carnegie Body Co., 9500 Brookpart Road, Cleveland, OH 44129, January 18, 1971.
Capitol Trailer & Body Co., 3420 East Broadway, North Little Rock, AR 72117, April 22, 1970.
Checker Motor Corp., 2016 North Pitcher Street, Kalamazoo, MI 49007, January 1, 1971.
Chrysler Corp., 341 Massachusetts Avenue, Highland Park, MI 48203, January 18, 1971.
B. M. Clark Co., Inc., Union, Maine 04862, January 14, 1971.
Coder Service, Inc., 420 Hopkins Street, Buffalo, NY 14220, February 17, 1971.
Comet Corp., Spokane Industrial Park, Spokane, WA 99216, January 18, 1971.
Commercial Truck & Trailer, Inc., 313 North State Street, Girard, OH 44420, January 1, 1971.
Connell Motor Truck Co. of Fresno, 2832 Church Avenue, Fresno, CA 93766, January 15, 1971.
Coot Industries, Inc., Ferry Building, Suite 291, San Francisco, CA 94111, September 22, 1970.

Cortez Corp., 777 Stow Street, Kent, OH 44240, February 1, 1971.
O. R. Cote Co., 556 St. James Avenue, Springfield, MA 01109, June 16, 1970.
Crenshaw Corp., 1700 Commerce Road, Post Office Box 4217, Richmond, VA 23224, April 1, 1970.
Critzler Equipment Co., East 3804 Front Avenue, Post Office Box 152, Spokane, WA 99210, January 10, 1971.
Daybrook-Ottawa Division, Gulf & Western Metals Forming Co., Post Office Box 49, Ottawa, KS 66067, January 17, 1971.
Daleiden Auto Body & Manufacturing Corp., 425 East Vine Street, Kalamazoo, MI 49001, January 12, 1971.
Fred Clemett & Co., Inc., 2020 Lemoyne Street, Syracuse, NY 13211, July 1, 1970.
Dealers Truck Equipment Co., Inc., 2460 Midway Street, Post Office Box 1435, Shreveport, LA 71102, January 17, 1971.
Dealers Truckstell Sales, Inc., 653 Beale Street (Post Office Box 10200), Memphis, TN 38101, January 1, 1971.
Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, NJ 07506, November 3, 1970.
Roy F. Drake Body & Equipment Co., 1501 North Minnesota Avenue (Box 475), Sioux Falls, SD 57101, January 18, 1971.
Eastern Tank Corp., 290 Pennsylvania Avenue, Paterson, NJ 07503, January 1, 1971.
Eight Point Trailer Corp., 6100 East Washington Boulevard, Los Angeles, CA 90022, January 18, 1971.
John Evans Manufacturing Co., Inc., 2 Miles South, Highway 15-A, Sumter, SC 29150, January 1, 1971.
Flagmaster, Inc., Post Office Box 130-B, Galva, IL 61434, May 1, 1970.
Farmington Engineering, Inc., 493 Ash Street, Post Office Box 128, Farmington, MN 55024, August 25, 1970.
The Flexible Co., 326-332 North Water Street, Loudonville, OH 44842, January 1, 1971.
FMC Corp., Bolens Division, 215 South Park Street, Port Washington, WI 53074, April 1, 1971.
FMC Corp. Riverside Division, 3075 14th Street, Riverside, CA 92502, January 1, 1971.
Ford Motor Co., The American Road, Dearborn, MI 48121, January 18, 1971.
Fox Corp., 1111 West Racine Street, Janesville, WI 53545, January 18, 1971.
F.T.S. Corp., 5995 North Washington Street, Denver, CO 80216, July 8, 1970.
FWD Corp., 105 East 12th Street, Clintonville, WI 54929, January 1, 1971.
Gallagher Tank & Equipment, Inc., 317 West Service Road, Hartford, CT 06120, June 1, 1970.
General Motors Corp., 3044 West Grand Boulevard, Detroit, MI 48202, January 18, 1971.
General Trailer Co., Inc., 546 West Wilkins Street, Indianapolis, IN 46225, January 27, 1971.
The Gerstenglaser Co., 1425 East Bowman Street, Wooster, OH 44691, July 1, 1970.
Gibbes Machinery Co., Wheat and Assembly Streets, Columbia, SC 29201, January 5, 1971.
Gidley-Eschenheimer Corp., 858 Providence Highway, Dedham, MA 02026, July 14, 1970.
Gilson Bros. Co., Post Office Box 152, Laack Street, Plymouth, WI 53073, September 26, 1970.
Goch Brake & Equipment Co., Inc., 512 Grand, Kansas City, MO 64106, January 11, 1971.
Grand Rapids Brake Service, Inc., 1955 Century Avenue SW., Grand Rapids, MI 49509, January 18, 1971.
Harris Rim & Wheel, Inc., 525 Peters Street SW., Post Office Box 10995, Atlanta, GA 30310, January 1, 1971.

- Hendrickson Manufacturing Co., 8001 West 47th Street, Lyons, IL 60534, January 1, 1971.
- Herters, Inc., Route 1, Wesaca, MN 59093, May 15, 1971.
- The Hess & Eisenhardt Co., 8959 Blue Ash Road, Cincinnati, OH 45242, January 9, 1971.
- Hews Body Co., 190 Rumery Street, South Portland, ME 04106, January 18, 1971.
- Highway Products, Inc., 789 Stow Street, Kent, OH 44240, March 12, 1971.
- Hobbs Trailers, 609 North Main Street, Post Office Box 1568, Forth Worth, TX 76101, April 23, 1970.
- O. G. Hughes & Sons, Inc., 312 South Central Avenue, Knoxville, TN 37902, April 16, 1970.
- IMP Boats, a division of American Photocopy Equipment Co., 500 West Lincoln Road, Iola, KS 66749, October 1, 1970.
- Indiana Trailer Supply Inc., Transport Equipment Division, 2600 South Nappaner Street, Elkhart, IN 46514, August 1, 1970.
- International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611, January 18, 1971.
- Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, VT 05461, July 1, 1970.
- Jep Corp., 14250 Plymouth Road, Detroit, MI 48232, January 1, 1971.
- Kar-Kraft Brighton, Inc., 800 Whitney, Brighton, MI 48116, October 1, 1970.
- Kay Wheel Sales Co., Van Kirk Street at State Road, Philadelphia, PA 19135, January 1, 1971.
- Kenworth Motor Truck Co., 8801 East Marginal Way South, Seattle, WA 98124, January 5, 1971.
- Kinetics International Division, LTV Aerospace Corp., Post Office Box 493, Tyler, TX 75701, February 4, 1971.
- Ledwell & Son, Inc., Post Office Box 1106, Texarkana, TX 75501, January 18, 1971.
- Leisure Vehicles, Inc., 11370 Hunt Street, Romulus, MI 48174, January 25, 1971.
- Liberty Oil Equipment Co., Inc., 82 Cherry Street, East Hartford, CT 06108, May 1, 1970.
- Machine Products & Tool, Inc., 6600 South City Road 18, Eden Prairie, MN 55343, October 7, 1970.
- Mack Trucks, Inc., Box M, Allentown, PA 18105, January 18, 1971.
- Jay Madsen Division, Air Springs, Inc., 120 Wilson Avenue, Bath, NY 14810, January 1, 1971.
- Mallard Coach Corp., 603 H Mount Road, West Bend, WI 53095, January 11, 1971.
- Manning Equipment, Inc., 3709 Bishop Lane, Post Office Box 18093, Louisville, KY 40218, April 16, 1971.
- Massey-Ferguson, Inc., Subsidiary Badger-Northland Inc., 215 West Second Street, Kaukauna, WI 54130, July 1, 1970.
- Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, CA 94710, January 18, 1971.
- Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, OH 43608, January 18, 1971.
- Mickey Truck Bodies, Inc., Post Office Box 1125, High Point, NC 27261, June 30, 1970.
- Mid West Truck & Equipment Co., 640 East Pershing Road, Decatur, IL 62526, January 18, 1971.
- Millie Lacs Industries, Inc., Post Office Box 3, Ogilvie, MN 56358, November 12, 1970.
- Moline Body Co., 222, 52d Street, Moline, IL 61265, January 6, 1971.
- Monon Trailer Inc., Post Office Box 446, Monon, IN 47959, April 8, 1971.
- Moore & Sons, Inc., 2900 Airways Boulevard, Post Office Box 30091, Memphis, TN 38130, January 1, 1971.
- Motor Coach Industries, Inc., Pembina, ND 58271, January 18, 1971.
- Motor Truck Equipment Corp., 2950 Irving Boulevard, Post Office Box 47385, Dallas, TX 75247, January 18, 1971.
- Mutual Truck Parts, Inc., 2000 South Wabash Avenue, Chicago, IL 60616, April 16, 1971.
- Neil's Automotive Service, Inc., 167 East Kalamazoo Avenue, Kalamazoo, MI 49006, January 1, 1971.
- Nelson Manufacturing Co., Route No. 1, Ottawa, OH 45875, January 18, 1971.
- New England Oil Burner Co., Vermont Chemicals, Recreational Vehicles Manufacturing Inc., Colchester, VT 05446, January 8, 1971.
- New Frontier Corp., 4030 South Division Avenue, Grand Rapids, MI 49508, January 31, 1971.
- NYE, Inc., 250 East Fourth Street, Postoria, OH 44830, January 18, 1971.
- Ohio Body Manufacturing Co., New London, OH 44851, January 1, 1971.
- Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, OH 45232, May 1, 1971.
- Olson Bodies, Inc., 600 Old Country Road, Garden City, NJ 11530, November 1, 1970.
- Olson Trailer & Body Builders Co., Inc., 2740 South Ashland Avenue, Green Bay, WI 54306, January 18, 1971.
- Chas. Olson & Sons, Inc., 2945 Pillsbury Avenue, Minneapolis, MN 55048, April 14, 1971.
- Oshkosh Truck Corp., 2307 Oregon Street, Oshkosh, WI 54901, January 18, 1971.
- Outdoor Marine Corp., 100 Pershing Road, Waukegan, IL 60085, January 18, 1971.
- Pacific Car & Foundry Co., 777 106th Avenue NE., Post Office Box 1518, Bellevue, WA 98009, January 18, 1971.
- Palmer Spring Co., 355 Forest Avenue, Portland, ME 04101, January 18, 1971.
- Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, MA 01069, January 18, 1971.
- Peabody-Gallon Corp., 500 Sherman Street, Post Office Box 607, Galion, OH 44833, Aug. 24, 1970.
- Peerless Trailer & Truck Service, Inc., 18205 Southwest Boones Ferry Road, Post Office Box 447, Tualatin, OR 97062, January 8, 1971.
- Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, OK 73107, Jan. 12, 1971.
- Perfection Truck Equipment Co., 1010 Kansas Avenue, Kansas City, KS 66105, January 18, 1971.
- Peterbilt Motors Co., Division of Pacific Car & Foundry Co., 38801 Cherry Street, Post Office Box 404, Newark, CA 94560, January 18, 1971.
- Pezzani & Reid Equipment Co., Inc., 3960 West Fort Street, Detroit, MI 48216, January 18, 1971.
- Polaris Industries, Division of Textron, Inc., Roseau, Minn. 56751, August 2, 1970.
- Poloron Products of Indiana, Inc., 110 Menke Road, Michigan City, IN 46360, May 6, 1970.
- Power Brake Co., Inc., 1506 West Morehead Street, Charlotte, NC 28201, January 17, 1971.
- Power Brake Service & Equipment Co., Inc., 1022 Carnegie Avenue, Cleveland, OH 44115, January 18, 1971.
- Providence Body Co., Elmwood Station, Post Office Box 2783, Providence, RI 02907, June 2, 1970.
- Recreatives, Inc., 30 French Road, Buffalo, NY 14227, April 15, 1971.
- Reliable Spring Co., Inc., 10557 South Michigan Avenue, Chicago, IL 60628, January 20, 1971.
- Rupp Manufacturing Inc., 1776 Airport Road, Mansfield, OH 44903, October 3, 1970.
- S. S. Automobiles, Inc., 161 West Wisconsin Avenue, Suite 6164, Milwaukee, WI 53203, May 22, 1971.
- Schien Body & Equipment Co., Inc., North on University, Carlinville, IL 62626, January 18, 1971.
- Schweigers, Inc., South Highway 81, Watertown, SD 57201, January 18, 1971.
- Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, MI 48602, January 11, 1971.
- Scorpion, Inc., Box 300, Crosby, MN 56441, April 29, 1971.
- Sharpville Steel Equipment Co., Sixth and Main Streets, Sharpville, PA 16150, November 23, 1970.
- Smith-Moore Body Co., Inc., Brook Road at Lombardy Street, Richmond, VA 23261, January 18, 1971.
- Sports Power, Inc., 1460 Sibley Memorial Drive, Highway 13, St. Paul, MN 55118, March 28, 1971.
- Paul Stutler, Inc., 3397 East Waterloo Road, Akron, OH 44312, January 2, 1971.
- South Florida Engineers, Inc., 5911 East Buffalo Avenue, Post Office Box 11927, Tampa, FL 33610, July 2, 1970.
- Sport King, Inc., 28650 Grand River Avenue, Farmington, MI 48024, August 19, 1970.
- Superior Coach Corp., Sheller-Globe Corp., 1200 East Kibby Street, Lima, OH 45802, March 20, 1971.
- Swab Wagon Co., Inc., 21 South Callowhill Street, Elizabethtown, PA 17023, May 7, 1971.
- Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, NY 13201, January 18, 1971.
- P. A. Thomas Car Works, Inc., 1408 Courtesy Road, High Point, NC 27261, August 1, 1970.
- Thiokol Chemical Corp., Logan Division, 2503 North Main Street, Logan, UT 84321, January 15, 1971.
- Transport Equipment Co., 3400 Sixth Avenue South, Seattle, WA 98134, January 18, 1971.
- Perly A. Thomas Car Works, Inc., 1405 Courtesy Road, High Point, NC 27261, August 1, 1970.
- Travco Corp., 6894 Maple Valley Road, Brown City, MI 48416, May 1, 1971.
- The Treco Corp., d.b.a., Weaver Trailer & Body Co., 1355 West Mound Street, Columbus, OH 43223, January 15, 1971.
- Truck & Transportation Equipment Co., Inc., Post Office Box 10455, New Orleans, LA 70121, January 1, 1971.
- Truck Equipment Co., 1911 Southwest Washington Street, Peoria, IL 61602, January 1, 1971.
- Truck Equipment, Inc., Post Office Box 3280, 680 Potts Avenue, Green Bay, WI 54303, January 18, 1971.
- Tuff Boy, Inc., d.b.a., Tuff Boy, Inc., and G & H Welding, 5151 East Almondwood Drive, Manteca, CA 95336, January 1, 1971.
- Union City Body Co., Inc., 1015 West Pearl Street, Union City, IN 47390, August 15, 1970.
- Unit Rig & Equipment Co., Post Office Box 3107, Tulsa, OK 74101, January 1, 1971.
- Utility Trailer & Equipment Co., Inc., 4771 Southeast 17th Avenue, Portland, OR 97202, January 1, 1971.
- Vesely Co., 2101 North Lapeer Road, Lapeer, MI 48446, April 24, 1971.
- Viking Snowmobiles, Inc., Post Office Box 37, Twin Valley, MN 56584, August 1, 1970.
- Ward La France Truck Corp., Grand Central Avenue, Elmira Heights, NY 14903, May 1, 1970.
- Ward School Bus Manufacturing, Inc., Post Office Box 311, Highway 65 South, Conway, AR 72032, June 1, 1970.
- The Warner & Swasey Co., Duplex Division, 830 East Hazel Street, Lansing, MI 48909, April 1, 1971.
- Wayne Corp., c/o Indian Head, Inc., 111 West 40th Street, New York, NY 10018, October 31, 1970.
- Walter Motor Truck Co., School Road, Voorheesville, NY 12186, April 29, 1971.
- Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas, Dover, OH 44622, January 18, 1971.
- Weston Equipment Co., Inc., 130 Railroad Hill Street, Waterbury, CT 06708, May 1, 1970.

Wheel Horse, Inc., 2001 East Maple Street, Des Moines, IA 50317, July 1, 1970.
White Motor Corp., Post Office Box 6979, Cleveland, OH 44114, January 18, 1971.
Worcester Tank & Equipment Co. Inc., Rear 462 Grafton Street, Worcester, MA 01604, May 1, 1970.

The director will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

Dated: April 28, 1971.

HUDSON B. DRAKE,
*Deputy Assistant Secretary and
Director, Bureau of Domestic
Commerce.*

[FR Doc.71-6321 Filed 5-5-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

FEDERAL MOTOR VEHICLE SAFETY
STANDARDS

Definitions; Denial of Petition for
Reconsideration

The purpose of this notice is to deny the petition of International Harvester Corporation for reconsideration of the definition of "gross axle weight rating" as published in the FEDERAL REGISTER on February 5, 1971 (36 F.R. 2511).

The definition, as published, provides that "'Gross axle weight rating' or 'GAWR' means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces." International Harvester stated that it would be more practicable to give a single rating for a multiple axle. Upon review of the question, it has been determined that the regulatory purposes of the definition, including, for example, specifying minimum vehicle tire and rim load ratings, are better served by maintaining the definition in its present form. Manufacturers are not prohibited, under the labeling requirements of the Certification Regulation, 49 CFR 567.4(g)(4), from identifying certain axles as part of a tandem system if they wish to do so. The petition is therefore denied.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on May 3, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6352 Filed 5-5-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22162 etc.]

COUNTY OF SULLIVAN, NEW YORK
AND SULLIVAN COUNTY AIRPORT
COMMISSION

Notice of Postponement of
Prehearing Conference

The prehearing conference in this proceeding now scheduled for May 5, 1971, is hereby postponed until May 26, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., May 3, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-6357 Filed 5-5-71;8:48 am]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT
OF AIR FREIGHT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 19, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., April 29, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6358 Filed 5-5-71;8:48 am]

[Docket No. 22419 etc.]

HOUSTON-MONTERREY-MEXICO
CITY SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on May 14, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by all parties, on or before May 11, 1971.

Dated at Washington, D.C., May 3, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6359 Filed 5-5-71;8:48 am]

COMMISSION ON CIVIL RIGHTS

HOUSING AND EMPLOYMENT OPPORTUNITIES IN SUBURBAN AREAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 14, 1971, and that an executive session, if appropriate, will be convened on June 14, 1971, to be held at the U.S. Department of Agriculture, Thomas Jefferson Memorial Auditorium, 14th and Independence Avenue SW., Washington, DC. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect the housing and employment opportunities of minority group members in the suburban parts of metropolitan areas and elsewhere; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the housing and employment opportunities of minority group members in the above areas; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of housing, employment, and related areas.

Dated at Washington, D.C., May 3, 1971.

THEODORE M. HESBURGH, C.S.C.,
Chairman.

[FR Doc.71-6353 Filed 5-5-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 1F1127) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the herbicide 2-(sec-butylamino)-4-ethylamino-6-methoxy-s-triazine in or on sugarcane and sugarcane fodder and forage at 0.25 part per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2632) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in sugarcane molasses for residues of the herbicide resulting from application of the herbicide to the growing sugarcane.

The analytical method proposed in the pesticide petition for determining the herbicide residues is a microcoulometric gas chromatographic procedure with a nitrogen detector.

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6340 Filed 5-5-71;8:47 am]

NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1091) has been filed by the National Agricultural Chemicals Association, 1155 15th Street NW., Washington, DC 20005 on behalf of the NACA Industry Task Force for Parathion and Methyl Parathion proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide parathion or its methyl homolog in or on rye grain at 0.5 part per million and in or on almonds, filberts, pecans, potatoes, safflower seed, sorghum, sugar beets, sugarcane, sweet potatoes, and walnuts at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a technique with a gas-liquid chromatograph using a flame photometric detector with a 526 nanometer phosphorus filter.

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6341 Filed 5-5-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19243; FCC 71-438]

IOWA BROADCASTING CO.

Order Designating Application for Oral Argument

In regard applications of Iowa Broadcasting Co. (KWIG-TV), Des Moines, Iowa, Docket No. 19243, File No. BMPCT-6790, for extension of completion date; Iowa Broadcasting Co. (KWIG-TV), Des Moines, Iowa, File No. BMPCT-6876, for modification of construction permit.

1. The Commission has before it for consideration the request of Iowa Broadcasting Co. (Iowa) for reinstatement of the construction permit, call sign, application of modification of facilities¹ and application for an extension of time within which to complete construction of television broadcast station KWIG-TV, Channel 63, Des Moines, Iowa.

2. Iowa was awarded a construction permit for Channel 63, Des Moines, on September 6, 1967, with completion of construction required by May 6, 1968, but instead of building at its authorized location, Iowa filed the present extension application on April 8, 1968, which stated that it had conducted population and economic studies which revealed that it would be necessary for it to find a new transmitter site. By letter of July 31, 1968, the Commission informed Iowa that its extension application could not be granted and would be dismissed unless Iowa requested an oral argument. Iowa responded on August 30, 1968, and requested an opportunity to participate in an oral argument, but also stated that it had filed a modification application specifying a new site on July 30, 1968. Consequently, further action on the extension application was postponed pending the processing of the modification application. However, the FAA would not act upon Iowa's antenna tower proposal until it completed its study of the tall tower proposed by station WHO-TV, Channel 13, Des Moines, and as early as October 30, 1968, Iowa stated that in the event the WHO-TV tower were approved, it would either negotiate space on that tower or build an even taller facility of its own in order to achieve competitive parity with the other Des Moines stations. Iowa then requested the Commission to defer action on its extension application until the FAA question was resolved. The Commission granted WHO-TV's modification application (BPCT-4335) on November 3, 1970, but FAA clearance still has not been obtained for Iowa's proposed antenna tower and will not be obtained until the FAA is satisfied that Iowa cannot secure space on the WHO-TV tall tower. There is still room on the tower, but Iowa has not demonstrated that it is even conducting negotiations with station WHO-TV on this matter and now asserts that its delay in constructing station KWIG-TV is due to the Commission's failure to act on its modification application, despite the fact that it had previously stated that it was not likely to operate with these facilities in the event the WHO-TV tall tower were approved. Since the grant of Iowa's construction permit in September 1967, construction of station KWIG-TV has not commenced and equipment has not been ordered.

¹ Iowa's modification application is included in this order only for the purpose of reinstatement. Further action on this application will be withheld pending the outcome of the oral argument on the extension application.

3. After the elapse of more than 18 months from the date the Commission issued it a construction permit for Channel 63, Iowa had failed to demonstrate that it had exercised due diligence in the prosecution of construction of its authorized station or that construction had been prevented by causes not under its control within the meaning of section 319(b) of the Communications Act of 1934. Accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority,² dismissed the above-captioned extension application which was pending before the Commission, and canceled Iowa's construction permit, deleted its call sign and dismissed its application for a modification of station KWIG-TV's technical facilities. However, in accordance with the provisions of the delegation, Iowa was advised that it could request reinstatement of its authorizations within 30 days and thereby obtain a hearing on the question of the dismissal of its extension application, and it subsequently filed such a request.

4. Accordingly, it is ordered, That the construction permit, call sign, extension application, and modification application of television broadcast station KWIG-TV, Channel 63, Des Moines, Iowa, are reinstated.

5. It is further ordered, That the above-captioned application for an extension of time within which to complete construction of station KWIG-TV, Channel 63, Des Moines, Iowa, is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issue:

To determine whether the reasons advanced by the permittee in support of its request for an extension of its completion date, constitute a showing that failure to complete construction was due to causes not under the control of the permittee, or constitute a showing of other matters sufficient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934 and § 1.534(a) of the Commission's rules.

6. It is further ordered, That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall within ten (10) days of the mailing of this order, file with the Commission an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until May 10, 1971, to file briefs or memoranda of law.

Adopted: April 28, 1971.

Released: April 30, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6350 Filed 5-5-71;8:48 am]

² Section 0.281(z) of the Commission's rules.

³ Commissioner Bartley absent.

[Dockets Nos. 18899-18900; FCC 71R-138]

**JACKSONVILLE BROADCASTING CO.
AND UNIVERSITY BROADCASTING CO.**

**Memorandum Opinion and Order
Enlarging Issues**

In regard applications of J. Millard Lecroy, James M. Davis, Will V. Roberson & Thomas J. Roberson, doing business as Jacksonville Broadcasting Co., Jacksonville, Ala., Docket No. 18899, File No. BP-17747; and James J. Lessley, George J. Lessley and James C. Vice, doing business as University Broadcasting Co., Jacksonville, Ala., Docket No. 18900, File No. BP-17756; for construction permits.

1. The mutually exclusive applications of Jacksonville Broadcasting Co. (Jacksonville) and University Broadcasting Co. (University) seek authority to construct a new standard broadcast station on 1090 kHz at Jacksonville, Ala. The Commission, by memorandum opinion and order (FCC 70-704, released July 9, 1970; 35 F.R. 11307, published July 15, 1970), designated these applications¹ for consolidated hearing on various issues, including general financial qualifications issues against all applicants and a Suburban issue against University. Subsequently, the Review Board, by memorandum opinion and order (26 FCC 2d 929, 20 RR 2d 626, released November 10, 1970), specified a Rule 1.526(a)(1) issue² against Jacksonville. In another memorandum opinion and order (FCC 70R-395, — FCC 2d —, released November 19, 1970), the Board held in abeyance further action on a joint request for approval of agreement, filed on October 15, 1970, by Jacksonville and University, and on a motion for leave to amend and grant of application, filed on the same date by University, pending the receipt of further information from Jacksonville. The Review Board currently has before it for consideration a petition, filed November 16, 1970, by Jacksonville, which seeks reconsideration of the Board's action specifying a § 1.526(a)(1) issue against it³; two petitions to enlarge issues, filed respectively by the Broadcast Bureau on December 7, 1970,⁴ and by University on January 4, 1971,⁵ which will be treated together since they arise out of the same factual setting and overlap to a degree in the relief requested; and the ultimate resolution of the joint request for approval of agreement between the remaining applicants in this proceeding.⁶

¹ A third application, filed by Heart of Dixie Broadcasting Co. (Docket No. 18898; File No. BP-17649), was also designated for hearing, but was later dismissed by the Hearing Examiner by order, FCC 70M-1460, released Oct. 26, 1970.

² The issue, as framed, inquires into whether Jacksonville has maintained a copy of its application for public inspection as required by § 1.526(a)(1).

³ The Bureau filed its comment on the petition for reconsideration on Dec. 1, 1970. The petition is supported by an affidavit, dated Nov. 11, 1970, and signed by James M.

2. The Broadcast Bureau bases its request for enlargement of issues on certain information directed to the Commission in connection with the filing of the joint request by Jacksonville and University on October 15, 1970. The Bureau asserts that, on November 20, 1970, it became aware of a joint statement received by the Commission on November 2, 1970, from Will V. Roberson and Thomas J. Roberson, two of the four Jacksonville partners, which indicated that: (1) The Robersons had not authorized the proposed dismissal of the Jacksonville application; and (2) they desired to proceed with the prosecution of the application and, if necessary, introduce new partners. In their joint statement, a copy of which is attached to the Bureau's petition, the Robersons explain that they are aware of certain negotiations which have taken place between J. Millard Lecroy, a Jacksonville partner, and University principals; however, they contend that any agreement would not be effective without their assent. In this regard, the Robersons refer to their understanding that Alabama law requires each partner's participation in such a decision. On this basis, the Bureau seeks the addition of an issue to determine whether Jacksonville had the legal authority to enter into the joint request for approval of agreement, filed with the

Davis, a Jacksonville partner, who indicates that a copy of the Jacksonville application has been available for inspection at 1001 Roberson Street in Jacksonville, AL, from the filing date of the application to the present time. Since petitions for reconsideration of interlocutory rulings by the Board are not entertained pursuant to § 1.106(a), Jacksonville's request will be dismissed.

⁴ Related pleadings before the Board are: (a) erratum, filed Dec. 8, 1970, by the Bureau; (b) comments of J. Millard Lecroy and James M. Davis, filed Dec. 14, 1970; and (c) reply, filed Dec. 23, 1970, by the Bureau.

⁵ The Bureau filed its comment on University's request on Jan. 19, 1971.

⁶ The Board, in its prior order (FCC 70R-395, released Nov. 19, 1970), held in abeyance for 10 days further action on the joint request and the related motion for leave to amend and grant of application to enable Jacksonville either to attempt to resolve the § 1.526(a)(1) issue or to indicate its willingness to accept dismissal without reimbursement at this time and to go forward with the hearing on the outstanding qualifications issue in order to determine whether it can ultimately be reimbursed. In response to the Board's invitation, Jacksonville, on Nov. 23, 1970, filed further comments wherein it directed the Board's attention to its earlier filed petition for reconsideration. However, Jacksonville's showing therein (see note 3, supra) does not even address itself to the question raised by the Board in specifying the § 1.526(a)(1) issue, i.e., the availability of its application for public inspection during regular business hours. Since Jacksonville has made no serious attempt to resolve this issue and has not indicated its willingness to accept dismissal without reimbursement at this time and in light of the serious question raised herein concerning Jacksonville's authority to enter into the dismissal agreement in the first instance, the Board will deny the joint request and related motions.

Board on October 15, 1970. The Bureau also requests an issue to determine whether Lecroy, by executing the dismissal agreement ostensibly on behalf of the partnership, misrepresented to the Commission that Jacksonville's principals had agreed to the dismissal of the application. In addition, the Bureau notes that the Robersons' statement makes reference to a letter in their possession, which they allegedly received from James M. Davis, another Jacksonville partner, and which indicates that Davis had withdrawn from the partnership. Noting further that such resignation was never reported to the Commission pursuant to § 1.65 and that Jacksonville's petition for reconsideration of the Board's action specifying a § 1.526(a)(1) issue contained an affidavit, dated November 11, 1970, and executed by Davis as a partner (see note 3, supra), the Bureau suggests the addition of an issue to determine whether Davis is still a Jacksonville partner and, if not, whether there has been a Rule 1.65 violation and to determine all of the facts and circumstances surrounding the submission of the November 11, 1970, affidavit wherein Davis represents himself to be a partner of the applicant.

3. On December 14, 1970, Lecroy and Davis filed comments on the Bureau's enlargement petition in a pleading which is signed by Washington counsel on behalf of Jacksonville Broadcasting Co. In their comments, Lecroy and Davis refer to correspondence between Jacksonville's local counsel and its Washington counsel, which discusses the matter of the Robersons' application expenses in connection with the settlement agreement. In light of these letters, dated September 22 and 25, 1970, respondents contend that " * * * it is difficult to understand the implication contained in the Roberson statement that they had no knowledge of the negotiations to dismiss Jacksonville's application." With regard to the question of Davis' participation in the applicant, respondents concede that Davis had suggested removing himself from the partnership, but assert that since Davis signed the dismissal agreement and the November 11, 1970, affidavit, " * * * apparently there was no withdrawal." Finally, respondents disclaim any knowledge as to whether principals with an aggregate 81.63 percent interest in a partnership may bind other partners under Alabama law; in any event, they contend that there could be no question of misrepresentation in regard to the dismissal agreement since

⁷ The apparent inconsistency between the Robersons' statement and the comments of Lecroy and Davis serves as the basis for University's request for a lack of candor and misrepresentation issue against Jacksonville. University argues that an issue is required to determine whether the Robersons did, in fact, have knowledge of the negotiations between Jacksonville and University and whether their statement that they had no knowledge of "what negotiations and what transactions" had taken place was true or whether it was a misrepresentation to the Commission.

Lecroy signed the agreement individually as a general partner of Jacksonville.

4. In its reply, the Broadcast Bureau maintains that the need for its requested issues still obtains in spite of the comments of Lecroy and Davis. The Bureau suggests that the correspondence supplied by the respondents does not refute the express statement of the Robersons to the effect that neither had authorized the filing of the dismissal agreement. On the question of Davis' participation, the Bureau notes that the respondents' comments do not include a verified statement by Davis on the subject, but merely contain an argument of counsel to the effect that since Davis had signed some documents, apparently he had not withdrawn from the partnership. Contrary to respondents' contention, the Bureau maintains that Lecroy's signature as "General Partner" under the partnership designation constitutes a representative signature for the partnership. In this regard, the Bureau also points out that the respondents' pleading does not attempt to explain or define the meaning of the term "General Partner" and that while it does not know whether there was any misrepresentation with respect thereto, the argument presented by the respondents has no merit.

5. In addition to the request for a lack of candor and misrepresentation issue against Jacksonville (see note 7, supra), University seeks the specification of a § 1.47 issue and an issue to determine the status of Jacksonville and the effect of the apparent dispute among the applicant's partners on the continued prosecution of their application and on the viability of a broadcast operation in the event of a grant. University claims that since none of the parties to the proceeding was served with copies of the Robersons' statement and subsequent pleadings by Jacksonville's counsel on behalf of Lecroy and Davis, a serious question is raised as to Jacksonville's compliance with the service requirements of § 1.47 and as to whether such omissions were deliberately intended to prejudice the other parties. With regard to the status of the Jacksonville partnership, University questions whether, under Alabama law, the apparent disagreement among the principals thereof effectively dissolves the partnership and, if such is not the case, what effect the dispute will have on the partners' ability to operate a broadcast facility.

6. In its comment on University's enlargement request, the Bureau supports the addition of a misrepresentation-lack of candor issue against Jacksonville, but argues for the specification of a broader issue than requested by University. The Bureau does not support a § 1.47 issue since it interprets the Robersons' statement as a responsible act of these partners in informing the Commission of facts which are required to be disclosed. In addition, the Bureau does not support the request for an issue inquiring into the status of the Jacksonville partnership since, in the past, the Commission has recognized changes in partnership

applicants without questioning their status and has declined to interfere in matters involving state law where no challenge has been raised in local courts and where the determination to be made is more appropriate for state resolution.

7. As a preliminary matter, the Review Board agrees with both the Broadcast Bureau and University that good cause has been shown for the late filing of their enlargement requests. Both petitions are based on information which was not made available until the last 2 months of 1970. In any event, in light of the serious public interest questions raised by the petitioners and our ultimate disposition herein, we believe that consideration of the merits of the instant requests is appropriate. See *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148, 8 RR 2d 611 (1966). Both petitioners have raised substantial questions concerning the candor of certain Jacksonville principals before the Commission in connection with the preparation and prosecution of the dismissal agreement of October 7, 1970, the joint request, filed with the Commission on October 15, 1970, by Jacksonville and University, and related motions. For example, the Bureau has presented a strong showing that the Robersons did not consent to the dismissal agreement, which was signed by Lecroy on behalf of the Jacksonville partnership; on the other hand, Lecroy and Davis⁹ have pointed to correspondence between Jacksonville's local and Washington counsel which indicates that the Robersons were aware of the settlement negotiations. Thus, a substantial question is raised as to whether some member or members of the Jacksonville partnership have not been completely candid with the Commission, and, in light of the contradictory positions noted above, the Board is constrained to specify appropriate issues to determine whether there have been misrepresentations before the Commission by Jacksonville partners and, if so, the effect thereof on the applicant's requisite qualifications. The Board is also of the opinion that it is proper to consider under the issues being added herein whether Lecroy misrepresented the intent and consent of the partnership insofar as Jacksonville's participation in the settlement agreement and joint request is concerned. In our view, Lecroy clearly and unequivocally represented that the partnership had agreed to the settlement agreement and the dismissal of the Jacksonville application. The argument made by the respondents that Lecroy signed the agreement "individually as General Partner" is specious since his signature was ob-

⁹ As noted in paragraph 3, supra, a pleading was filed on Dec. 14, 1970, in response to the Bureau's petition which is captioned "Comments of J. Millard Lecroy and James M. Davis" although the pleading is signed by Washington counsel on behalf of Jacksonville. This apparent inconsistency lends added support for our conclusion that the issues must be enlarged to explore the conduct of the partnership's members.

viously meant to be representative in nature.¹⁰ Moreover, a serious question has been raised as to the current status of Davis in the partnership applicant. Although the Robersons' statement upon which the Bureau relies is concededly weak in regard to the apparent withdrawal of Davis from the partnership, the respondents have failed to establish this partner's status and have been content to argue that Davis must still be a principal since he signed certain documents in that capacity. The respondents have offered no supporting statement from Davis to buttress the claim even though their pleading purports to represent the comments of Lecroy and Davis. If Davis, in fact, has withdrawn from the partnership as the Robersons contend, then such withdrawal raises several questions concerning the applicant's compliance with the reporting requirements of Rule 1.65, the impact of his withdrawal upon the partnership¹⁰ and the possibility that Davis misrepresented his participation in the applicant in documents filed with the Commission. An appropriate issue to inquire into these matters will be specified by the Board.

8. However, the Board does not agree with University that a § 1.47 issue is warranted. As the Bureau correctly notes, the Robersons' statement, on its face at least, represents a responsible act of these partners in attempting to keep the Commission informed of matters affecting the partnership applicant, and we believe that the apparent service performed by the Robersons in this regard clearly outweighs any technical violation of the requirements of § 1.47. Moreover, we are not cited to any other specific examples of rule violations even though University alleges generally that subsequent pleadings by Jacksonville's counsel on behalf of Lecroy and Davis indicate that the other parties to the proceeding were not served with copies hereof. In this regard, we note that the comments of Lecroy and Davis, filed with the Commission on December 14, 1970, by Jacksonville's Washington counsel, reflect service upon the other parties to the proceeding. In similar vein, we do not believe that an issue is warranted to inquire into whether the apparent disagreement among the Jacksonville partners effectively dissolves the applicant and what effect the dispute may have on

¹⁰ The agreement of Oct. 7, 1970, and an accompanying affidavit of the same date are signed by J. Millard Lecroy, General Partner, on behalf of Jacksonville Broadcasting Co. and by James C. Vice, General Partner, on behalf of University Broadcasting Co.

¹¹ In this regard, we note that Davis is proposed as the general manager of the requested facility in the Jacksonville application. Also, the application indicates that Davis will furnish cash, labor, and services in connection with the construction and operation of the station. To the extent that the withdrawal of Davis, if established, may have an effect on the applicant's financial proposal, the matter can be explored under the general financial qualifications issue already specified by the Commission.

the partners' ability to effectuate their proposal. In the first place, the Commission has recognized the need for changes in partnership applicants without questioning the ultimate status of such applicants. Triple C Broadcasting Corp., 12 FCC 2d 503, 12 RR 2d 1008 (1968); The Fox River Broadcasting Co., 5 FCC 2d 669, 8 RR 2d 970 (1966). In addition, the Commission has traditionally declined to interfere in matters which are more appropriately resolved at the State level especially where no challenge has been raised at that level. See Home Service Broadcasting Corp., 21 FCC 2d 168, 13 RR 2d 63 (1970); Wilkes County Radio, 10 FCC 2d 175, 11 RR 2d 341 (1967). To the extent that the issues specified herein will elicit information concerning the effect of Davis' withdrawal, if any, on the Jacksonville partnership, the question of the applicant's current status will be the subject of investigation. However, the matter is too speculative at this point to warrant the general issues requested by University. If it should develop that a serious question concerning the continued viability of the partnership applicant is present, the parties are free to address appropriate requests, properly supported, to the Board.¹¹

9. *Accordingly, it is ordered*, That the joint request for approval of agreement, filed October 15, 1970, by Jacksonville Broadcasting Co. and University Broadcasting Co.; the motion for leave to amend and grant of application, filed October 15, 1970, by University Broadcasting Co.; and the petition to dismiss application, filed October 15, 1970, by Jacksonville Broadcasting Co., are denied; and

10. *It is further ordered*, That the petition for reconsideration, filed November 16, 1970, by Jacksonville Broadcasting Co., is dismissed; and

11. *It is further ordered*, That the petition to enlarge issues, filed December 7, 1970, by the Broadcast Bureau, and the motion to enlarge issues, filed January 4, 1971, by University Broadcasting Co., are granted to the extent indicated herein and are denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine all of the facts and circumstances surrounding Jacksonville Broadcasting Co.'s participation in the joint request for approval of agreement, filed with the Commission on October 15, 1970, by Jacksonville Broadcasting Co. and University Broadcasting Co., and in the dismissal agreement, dated October 7, 1970, between the same parties with particular regard to:

(1) Whether Will V. Roberson and Thomas J. Roberson, partners in Jacksonville Broadcasting Co., consented to the dismissal agreement or whether they, in fact, misrepresented their lack of participation in the dismissal agreement in a joint statement, filed with the Commission on November 2, 1970; and

(2) Whether J. Millard Lecroy, a partner in Jacksonville Broadcasting Co., misrepresented the consent of all the principals of the applicant to the October 7, 1970, dismissal agreement;

(b) To determine whether James M. Davis has withdrawn as a partner from Jacksonville Broadcasting Co. and, if so, to determine:

(1) The effect thereof on the partnership's status and the applicant's proposal.

(2) Whether James M. Davis misrepresented his participation in the partnership in affidavits, dated October 3, 1970, and November 11, 1970, filed in support of the joint request for approval of agreement and Jacksonville's petition for reconsideration; and

(3) Whether Jacksonville Broadcasting Co. has failed in its responsibility to keep its application accurate and complete as required by § 1.65 of the Commission's rules;

(c) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, Jacksonville Broadcasting Co. possesses the requisite and comparative qualifications to be a Commission licensee.

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issues added herein shall be on Jacksonville Broadcasting Co.¹²

Adopted: April 29, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,¹³

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-6351 Filed 5-5-71; 8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-47]

SUPREME SHIPPERS, INC.

Independent Ocean Freight Forwarder License Application; Order of Invest- igation and Hearing

Supreme Shippers, Inc. (Supreme), 120 Liberty Street, New York, NY 10006, filed an application for a license as an independent ocean freight forwarder on

November 12, 1970. Fifty percent of the stock of Supreme is owned by Harry Kaufman and 50 percent is owned by Stephen M. Bethell. Stephen M. Bethell is Treasurer of Supreme and Harry Kaufman is Vice President and Secretary of that corporation.

The Commission has information indicating that at certain times since January 1, 1969, Stephen M. Bethell has carried on the business of forwarding under the license of International Shippers Co. of N.Y. (International License No. FMC-35), a licensee owned and controlled by Harry Kaufman, without Commission approval of the transfer of such license and business as required by § 510.8(d) of the Commission's General Order 4. It therefore appears that Stephen M. Bethell has carried on the business of forwarding without a license from this Commission in violation of § 510.3(a) of the Commission's General Order 4 and section 44 of the Shipping Act, 1916.

Harry Kaufman, appears to have violated §§ 510.5(c) and 510.8(d) of the Commission's General Order 4 by failing to notify the Commission of the change in ownership of International and in transferring the business and license of International to Irving Bethell and Stephen M. Bethell. It further appears that Harry Kaufman violated § 510.23(a) of the Commission's General Order 4 by permitting Stephen M. Bethell and/or his father Irving Bethell to use International's name and license number on and after January 1, 1969. By accepting employment with Irving Bethell and permitting Irving Bethell to control and direct the business of International after the license of Irving Bethell had been revoked, it further appears that Harry Kaufman has violated § 510.23(b) of General Order 4.

It further appears that Stephen M. Bethell has furnished to the staff of the Commission conflicting and misleading documents and statements regarding the acquisition and management of International by Stephen M. Bethell and/or Irving Bethell and/or Harry Kaufman, and the establishing of Supreme.

It further appears that Irving Bethell who was owner and chief supervisory officer of a licensed freight forwarder, the license of which was revoked, may be permitted, directly or indirectly, to participate, whether through ownership or otherwise, in the control or direction of the freight forwarder business of Supreme once it becomes licensed.

In a certified letter dated March 19, 1971, the Commission advised Supreme that it intended to deny its application for an independent ocean freight forwarder license since the activities summarized above demonstrate that the stockholders and officers of Supreme may not be fit, willing, and able to carry on the business of ocean freight forwarding and to conform to the provisions of the Shipping Act, 1916 and the Commission's General Order 4. In response to that letter Supreme has requested a hearing to show that denial of the application is not warranted. It is further requested

¹¹In a memorandum opinion and order, FCC 71M-186, released Feb. 3, 1971, the Hearing Examiner denied a motion by University to convene a prehearing conference and to dismiss the Jacksonville application, which was based on essentially the same matters raised in University's enlargement request. University's appeal from the Examiner's ruling was subsequently dismissed by the Review Board. See FCC 71R-59, released Feb. 19, 1971.

¹²Both burdens have been placed on Jacksonville since the facts regarding the applicant's participation in the dismissal agreement and the status of Davis are peculiarly within its knowledge. See Chapman Radio & Television Co., 26 FCC 2d 432, 20 RR 2d 552 (1970), review denied FCC 71-161, released Feb. 22, 1971; and Kittyhawk Broadcasting Corp., 13 FCC 2d 928, 13 RR 2d 1058 (1968).

¹³Review Board Member Slone absent.

that the hearing be conducted in New York.

Now therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b)) that a proceeding is hereby instituted to determine whether, in view of the past activities of Stephen M. Bethell and Harry Kaufman, each 50-percent owners of and officers in Supreme, Supreme is fit, willing, and able to carry on the business of forwarding, conform to the provisions of the Shipping Act, 1916 and the Commission's General Order 4 and whether the application should therefore be denied.

It is further ordered, That Supreme be made respondent in this proceeding and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and at a place to be announced.

It is further ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein should file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to the respondent.

Stephen M. Bethell and Harry Kaufman, each 50 percent stockowners and officials of Supreme, the respondent in this proceeding, have been previously named as respondents in Docket No. 71-15 which was instituted to investigate the activities of Harry Kaufman, doing business as International Shippers Co. of N.Y. (License No. 35) and Irving Bethell and Stephen M. Bethell. The alleged violations of General Order 4 and section 44 of the Shipping Act, 1916 which are the subject of that investigation and hearing involve the same matters which are the basis of this proceeding to determine whether the application of Supreme for a freight forwarder license should be granted or denied.

Therefore, it is further ordered, That this proceeding be consolidated for hearing and decision with Harry Kaufman, doing business as International Shippers Co. of N.Y., Independent Ocean Freight Forwarder License No. 35 and Forwarding Activities of Irving Bethell and Stephen M. Bethell, Docket No. 71-15.

It is further ordered, That all future notices issued on behalf of the Commission in this proceeding, including notice of time and place of hearing or pre-hearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6366 Filed 5-5-71; 8:49 am]

[Docket No. 71-48]

GUY G. SORRENTINO

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

From January 1958 until December 31, 1970, Guy G. Sorrentino was President and Director of Sorrentino Shipping, Inc., a Federal Maritime Commission li-

censed independent ocean freight forwarder, which was found guilty on sixteen (16) counts contained in information filed in the U.S. District Court, Southern District of New York, involving the misclassification of export shipments in order to obtain a lower ocean freight rate in violation of section 16, of the Shipping Act, 1916. These misclassifications occurred from 1964 through 1966. During the period of these violations of the Shipping Act by Sorrentino Shipping, Inc., Guy G. Sorrentino was the President and chief supervisory official of that company. Furthermore, information available to the Commission indicates that Guy G. Sorrentino was aware of and involved in the violations which occurred.

By a certified letter dated March 18, 1971, Guy G. Sorrentino, 180 Davis Avenue, Inwood, Long Island, NY 11696, was notified of the Federal Maritime Commission's intent to deny his application for an individual independent ocean freight forwarder license due to his prior activities as set forth above while he was President and Director of Sorrentino Shipping, Inc.

Guy G. Sorrentino has requested that a hearing be held to show denial of the application is unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b)), that a proceeding is hereby instituted to determine whether in view of the past activities of Guy G. Sorrentino he is fit, willing, and able to carry on the business of forwarding as required by section 44 of the Shipping Act, 1916, and the Commission's rules and regulations, and whether his application should be granted or denied.

It is further ordered, That Guy G. Sorrentino be made respondent in this proceeding and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served on the respondent.

It is further ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to the respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including the time and place of hearing or pre-hearing conference shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6367 Filed 5-5-71; 8:49 am]

FAIRSEA SHIPPING CORP. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Gerald B. Greenwald, Esq., Mudge Rose Guthrie & Alexander, 1701 Pennsylvania Avenue NW., Washington, DC 20006.

Agreement No. 9854, between Fairsea Shipping Corp., Fairwind Shipping Corp. and Sitmar Cruises, Inc., is a joint service agreement and would establish a joint passenger service to be known as "Sitmar Cruises" in the following trades:

(A) Europe to Australia and New Zealand via South Africa and vice versa;

(B) Europe to Australia and New Zealand via Panama, the United States of America, Canada, and vice versa;

(C) Australia and New Zealand to Canada and the United States, and vice versa;

(D) Cruising from European, Australian, New Zealand, United States of America, Mexican, Canadian, and Caribbean ports;

(E) Cruising generally.

In addition to providing for the trades to be covered by the joint service, the Agreement includes, among other things, provisions covering tonnage contributions; operation of the joint service; passage contracts and exchange orders; conference membership, pooling and other agreements; rates, charges and practices; and withdrawals.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6368 Filed 5-5-71; 8:49 am]

FEDERAL RESERVE SYSTEM

[Docket No. BHC-99]

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Notice of Opportunity for Hearing

In the matter of the applications of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., for a determination under section 4(c) (8) of the Bank Holding Company Act of 1956, respecting the planned activities of their nonbank subsidiary, the Citizens & Southern Credit Service Corp.

On September 22, 1969, the Board of Governors of the Federal Reserve System ordered a hearing to be held commencing on November 20, 1969, at the Federal Reserve Bank of Atlanta, Atlanta, Ga., pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) (8)), upon the request of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., for a determination that the planned activities of their nonbank subsidiary, the Citizens & Southern Credit Service Corp., are or are to be of the kind described in the aforementioned provisions of the Act. (34 F.R. 14916)

On November 20, 1969, pursuant to said order, a hearing was held in this matter before Leonard J. Ralston (whose address is Small Business Administration, 1441 L Street NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c) (8) of the Act was substantively amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c) (8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered. That, pursuant to section 4(c) (8) of the Act, as amended, Notice of Opportunity for Hearing is hereby given. Any person desiring further hearings in this matter on the question whether the proposed activities of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., and the Citizens & Southern Credit Service Corp., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of the Citizens and Southern National Bank and the Citizens and Southern Holding Co. of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concern-

ing which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this notice.

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6323 Filed 5-5-71;8:46 am]

[Docket No. BHC-110]

COLORADO CNB BANKSHARES, INC.

Notice of Opportunity for Hearing

In the matter of the application of Colorado CNB Bankshares, Inc., for a determination under section 4(c) (8) of the Bank Holding Company Act of 1956, respecting the planned activities of B-G Service Corp. and Aspen Industrial Bank, proposed subsidiaries.

On October 15, 1970, the Board of Governors of the Federal Reserve System ordered a hearing to be held commencing on December 1, 1970, at the Denver Branch of the Federal Reserve Bank of Kansas City, pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) (8)), upon the request of Colorado CNB Bankshares, Inc., Denver, Colo., whose name has been changed to Colorado National Bankshares, Inc., a bank holding company, for a determination that the activities of its proposed subsidiaries, B-G Service Corp. and Aspen Industrial Bank, are or are to be of the kind described in the aforementioned provisions of the Act. (35 F.R. 16492)

On December 1, 1970, pursuant to said order, a hearing was held in this matter before John Poindexter (whose address is Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c) (8) of the Act was substantively amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c) (8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered. That, pursuant to section 4(c) (8) of the Act, as amended, Notice of Opportunity for Hearing is hereby given. Any person desiring further hearings in this matter on the question whether the acquisitions of B-G Service Corp. and Aspen Indus-

trial Bank by Colorado National Bankshares, Inc., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of Colorado National Bankshares, Inc., of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concerning which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this Notice.

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6324 Filed 5-5-71;8:46 am]

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Security Central National Bank of Portsmouth, Portsmouth, Ohio.

There has come before the Board of Governors, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Security Central National Bank of Portsmouth, Portsmouth, Ohio (Security Bank).

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 recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER

on February 4, 1971 (36 F.R. 2429), 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls eight banks with aggregate deposits of approximately \$604 million, representing 3 percent of the total commercial bank deposits in Ohio. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved through March 31, 1971.) On the basis of deposits, Applicant is the seventh largest banking organization and the fourth largest bank holding company in the State. Upon consummation of the proposal, Applicant would increase its share of statewide deposits by 0.3 percentage points but its rank among banking organizations in the State would be unchanged.

Security Bank (deposits of \$53 million) is the largest—on the basis of deposits—of the three banks in Scioto County, all of which are located in Portsmouth. (The proposed new bank into which Security Bank will be merged has significance only as a vehicle to accomplish the acquisition of all the voting shares of Security Bank; hence, the proposal to acquire voting shares of the successor by merger to Security Bank is treated as a proposal to acquire voting shares of Security Bank.) Security Bank controls about 55 percent of the deposits in Scioto County, which approximates the relevant market. Despite its size relative to the other Portsmouth banks, it appears that Security Bank does not dominate banking in the area. The second largest bank in the market is an affiliate of the largest bank holding company in the State, and the smallest bank has demonstrated that it is a viable and effective competitor, and has rejected an offer to affiliate with Applicant. It does not appear likely that Applicant's acquisition of Security Bank would have an undue adverse effect on the other Portsmouth banks.

Applicant's subsidiary bank nearest to Security Bank is located more than 80 miles north of Portsmouth. Security Bank draws no loans or deposits from the service area of that bank nor from the service area of any other bank subsidiary of Applicant. Applicant's lead bank draws a negligible amount of business from Scioto County, and none of Applicant's other subsidiary banks draws any business at all from Scioto County. On the facts of record, notably the restrictions in the branch banking law of Ohio, the number of banks intervening in the areas between Security Bank and each of Applicant's subsidiary banks, and the distances separating Security Bank

from Applicant's present subsidiaries, there is little likelihood that any of Applicant's subsidiary banks would become competitors of Security Bank in the future. Moreover, economic conditions in Scioto County do not appear attractive for de novo entry. Therefore, it appears that consummation of the proposal would not eliminate existing competition nor foreclose significant potential competition.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an undue adverse effect on competition in any relevant area. The financial and managerial resources and future prospects of Applicant and each of its subsidiaries are regarded as satisfactory. Management of Security Bank apparently consists of two groups with conflicting viewpoints. Through ownership of Security Bank, Applicant proposes to establish unified management for the bank and to provide for management succession. Applicant would also be able to inject new capital into the bank as it is needed. Therefore, considerations regarding the banking factors as they relate to Security Bank weigh in support of approval of the application. Applicant proposes to improve and expand existing services of Security Bank and to enable it to offer international banking and other new services. Considerations regarding the convenience and needs of the communities are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered. On the basis of the Board's findings summarized above, 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 Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,¹
April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6325 Filed 5-5-71;8:46 am]

[Docket No. BHC-109]

MID AMERICA BANCORPORATION, INC.

Notice of Opportunity for Hearing

In the matter of the application of Mid America Bancorporation, Inc., for a determination under section 4(c) (8) of the Bank Holding Company Act of 1956, respecting the planned activities of Mid America Insurance Agency, a proposed subsidiary.

¹ Voting for this action: Chairman Burns and Governors Robertson, Daane, Malsel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

On September 25, 1970, the Board of Governors of the Federal Reserve system ordered a hearing to be held commencing on November 3, 1970, at the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) (8)), upon the request of Mid America Bancorporation, Inc., St. Paul, Minn., a bank holding company, for a determination that the activities of its proposed subsidiary, Mid America Insurance Agency, whose name has been changed to Valley Agency, Inc., are or are to be of the kind described in the aforementioned provisions of the Act. (35 F.R. 15426)

On November 3, 1970, pursuant to said order, a hearing was held in this matter before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c) (8) was substantially amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c) (8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered. That, pursuant to section 4(c) (8) of the Act, as amended, notice of opportunity for hearing is hereby given. Any person desiring further hearings in this matter on the question whether the proposed activities of Mid America Bancorporation, Inc., and Valley Agency, Inc., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of Mid America Bancorporation, Inc., of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concerning which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this notice.

By order of the Board of Governors,
April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6326 Filed 5-5-71;8:46 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN Entry or Withdrawal From Warehouse for Consumption

APRIL 26, 1971.

On February 12, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued an appropriate Visa. Since the bilateral cotton textile agreement of October 13, 1967, as amended, between the Governments of the United States and Spain excludes from the limitations of that agreement coated fabrics classified under TSUSA No. 355.6510, an amendment excluding such cotton textiles products from the coverage of the Visa system is required.

Accordingly, there is published below a letter of April 26, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 5, 1971, so as to exclude cotton textile products classified under TSUSA No. 355.6510 from the Visa system effective as soon as possible.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE
ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

APRIL 26, 1971.

DEAR MR. COMMISSIONER: This letter amends the directive of February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued an appropriate visa.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is amended, effective as soon as possible, by adding the following sentence at the end of the first full paragraph on page one of the letter:

"However, cotton textile products classified under T.S.U.S.A. No. 355.6510 shall not be subject to the Visa System described in this directive."

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain, 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,

JAMES T. LYNN,
Acting Secretary of Commerce,
Chairman, President's Cabinet
Textile Advisory Committee.

[FR Doc.71-6336 Filed 5-5-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 30, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; *It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 1, 1971, through May 10, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6315 Filed 5-5-71;8:45 am]

[812-2822]

E. I. DU PONT DE NEMOURS AND CO. Notice of Filing of Application for Order Exempting Proposed Trans- action

APRIL 29, 1971.

Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of 17(a), the proposed grant of an exclusive license under a U.S. Patent Application (and foreign counterparts) to Block Engineering, Inc. (Block). All interested persons are referred to the application on file with the Commission for a full statement of

the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.5 percent of the outstanding common stock of Applicant, which in turn owns approximately 33 percent of the outstanding common stock of Block. Under section 2(a)(9) of the Act, both Applicant and Block are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

The proposed transaction involves Applicant's grant of an exclusive license under a U.S. Patent Application (and foreign counterparts) to Block, so that Block can make and sell an improved sensor head for pressure sensing devices.

Block has agreed to pay Applicant, in consideration for the grant of this exclusive license, a royalty of 5 percent of the "net selling price", as described in the application, of the apparatus covered by the patent. Total royalty payments to Applicant are not expected to exceed \$200,000 during the life of the license. In the event that the amount of royalties paid by Block to Applicant for an annual period is less than \$5,000, then Applicant has the option, at any time, to convert the exclusive license into a nonexclusive license, or to terminate all rights and licenses granted to Block and any sublicensee of Block. In addition, Block may for any reason terminate the agreement or any license or right with respect to any patent or patent application licensed by giving Applicant 30 days advance written notice of its intention to terminate.

Block plans to assign the license to its fully owned subsidiary, Digilab, Inc. Applicant asserts that such an assignment is exempt from the provisions of section 17(a) pursuant to Rule 17a-3 under the Act.

Applicant represents that the terms of the proposed transaction were negotiated on an arms-length basis, and are reasonable to both Applicant and Block. Applicant considered, in determining the terms of the agreement, the nature of the invention, its stage of development, the anticipated extent of use of the invention, and its prospective profitability.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, to purchase property from such registered company, or from any company controlled by such registered company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than May 24, 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 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 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] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6316 Filed 5-5-71;8:45 am]

[812-2851]

FRANKLIN LIFE INSURANCE CO. AND FRANKLIN LIFE VARIABLE ANNUITY FUND B

Notice of Application for Exemptions

APRIL 30, 1971.

Notice is hereby given that the Franklin Life Insurance Co. (Franklin) and Franklin Life Variable Annuity Fund B (Fund), (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from certain provisions of sections 17(f) (3), 22(d), and 27(c) (2) of the Act and Rule 17f-2 thereunder. Fund is an open-end diversified management company registered under 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.

Franklin is an Illinois stock life insurance company and is subject to supervision and inspection by the Illinois Department of Insurance. Franklin estab-

lished Fund pursuant to Illinois law on April 1, 1970, as a separate account to offer individual variable annuity contracts.

Section 17(f) (3) provides, in pertinent part, that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption from the provisions of section 17(f) (3) and Rule 17f-2 to the extent necessary to permit not more than six officers or responsible employees of Franklin, designated by the board of managers of the Fund, to have access to the securities and similar investments of the Fund (subject to the provisions of Rules 17f-2 and 17g-1 which shall be applicable to such designated officers and responsible employees of Franklin to the same extent as if they were officers or responsible employees of the Fund designated as having access to the securities and similar investments of the Fund), and to permit duly authorized representatives of the Illinois Department of Insurance and of the zonal examination committee of the National Association of Insurance Commissioners to have access to the securities and similar investments of the Fund. Such assets will be deposited with The First National Bank of Springfield, Springfield, Ill.

Section 22(d) provides, among other things, that no registered investment company shall issue and sell any redeemable security to the public except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) to permit variable annuity contracts of the Fund to be sold, without a deduction for sales expense (or an administrative expense deduction), to the owner of any fixed dollar annuity contract sold by Franklin, to the extent that the proceeds payable under such fixed dollar annuity contracts are applied by the person entitled to receive them to the purchase, by way of a settlement option, of a single purchase payment variable annuity contract offered by applicants, but only if the proceeds are to be added to an existing variable annuity contract issued by applicants. In connection with such purchase of a single purchase payment contract, the minimum purchase requirements otherwise applicable may be waived by the Fund. Applicants state that such fixed dollar annuity contract-holders have paid a sales charge in connection with the sale to them of the fixed dollar annuity contract, and that it is appropriate that duplication of such charge be avoided since conversions of such fixed dollar annuity contracts for settlement as variable annuities are essentially a service to existing fixed dollar

annuity contract-holders and do not involve selling efforts comparable to those involved in selling new variable annuity contracts to the public.

Section 27(c) (2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank having the qualifications prescribed in section 26(a) (1) and held by it as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for a unit investment trust. Section 26(a) (2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a) (3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the provisions of section 27(c) (2). Applicants state that Franklin is subject to extensive and detailed supervision and inspection by the Illinois Department of Insurance as well as by the insurance department of all other jurisdictions in which Franklin is licensed to do business and that such control provides ample assurance against misfeasance and affords the essential protection which the trusteeship or custodianship under section 26(a) (2) is designed to provide. The contractual obligations of Franklin to the participants cannot be abandoned until such obligations have been discharged. The First National Bank of Springfield, with which the securities and similar investments of the Fund will be deposited, as set forth above, meets the qualifications prescribed in section 26(a) (1) of the Act. Applicants have consented that the requested exemption from section 27(c) (2) be subject to the conditions that the deductions under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, that the Commission shall reserve jurisdiction for such purpose, and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission

has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission, conditionally or unconditionally, to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than May 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the 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 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] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-6317 Filed 5-5-71; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 36]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

APRIL 30, 1971.

The following applications are governed by Special Rule 100.247¹ of the

¹ 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 111 (Sub-No. 7), filed April 12, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157,

Castleton-on-Hudson, NY 12033. Applicant's representative: Julius Braun, 29 Nancy Drive, Troy, NY 12180. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, except in bulk, from Rouses Point, N.Y., to Cleveland, Ohio, Chicago, Ill., Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., Seattle, Wash., and Chamblee, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., New York, N.Y., or Plattsburgh, N.Y.

No. MC 200 (Sub-No. 247), filed April 12, 1971. Applicant: RISS INTERNATIONAL CORPORATION, 100 West 10th Street, Wilmington, DE. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64106. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Vick Manufacturing (Division of Richardson-Merrell, Inc.) at Hatboro, Pa., as an off-route point in connection with applicant's authorized regular route service to and from Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Washington, D.C., or Kansas City, Mo.

No. MC 2229 (Sub-No. 161), filed April 2, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (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 requiring special equipment and those injurious or contaminating to other lading: (1) Between El Dorado, Ark., and intersection of U.S. Highways 167 and 79 at or near Fordyce, Ark., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations between Little Rock, Ark., and El Dorado, Ark., serving no intermediate points and serving El Dorado, for purpose of joinder only. From El Dorado, Ark., over U.S. Highway 167 to its intersection with U.S. Highway 79 and return over the same route; (2) between Bastrop, La., and intersection of Arkansas Highway 81 and U.S. Highway 82 at or near Hamburg, Ark., as an alternate route for operating convenience only in connection with carriers presently authorized regular route operations between Little Rock, Ark., and Monroe, La., serving no intermediate points and serving Bastrop, La., for purpose of joinder only. From Bastrop, La.,

over Louisiana Highway 139 to Louisiana-Arkansas State line, thence over Arkansas Highway 81 to its intersection of U.S. Highway 82 and return over the same route, and (3) between Arkansas-Louisiana State line approximately 3 miles north of Jones, La., and Montrose, Ark., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations serving no intermediate points and serving Montrose, Ark., for the purpose of joinder only. From Arkansas-Louisiana State line approximately 3 miles north of Jones, La., over U.S. Highway 165 to Montrose, Ark., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 2253 (Sub-No. 45), filed April 12, 1971. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Cherryville, NC 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, NC 28021. 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 New York, N.Y., and the terminal site of Harders Express, Inc., located at or near Claverack, N.Y. Restriction: Service at said terminal site is restricted to the transportation of traffic received from or delivered to Harders Express, Inc. NOTE: Applicant states it intends to tack at New York, N.Y., with presently authorized authority between New York, N.Y., on the one hand, and, on the other, Virginia, North Carolina, South Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 22254 (Sub-No. 57), filed April 9, 1971. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, IL 60620. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pianos and piano benches*, between Granite Falls, N.C., on the one hand, and, on the other, points in the United States, including 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., or Washington, D.C.

No. MC 24115 (Sub-No. 17), filed April 9, 1971. Applicant: KESSMAN TANK SERVICE, INC., Box 95, Hamel, IL 62046. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinegar and cider*, in bulk, in tank vehicles, from the plantsites of

National Vinegar Co., in or near Alton and Olney, Ill., to Mount Summit and Terre Haute, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 25869 (Sub-No. 105), filed April 8, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 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 defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio and Wisconsin, restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 25869 (Sub-No. 106), filed April 13, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank trailers, between Denver, Colo., and points in Nebraska: From Denver, Colo., to points in Illinois, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority can be tracked with its existing authority at Saunders County, Nebr., under its Subs 21, 28, and 43, to provide a through service to St. Louis, Mo.; Council Bluffs, Iowa; and Kentucky. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., on Denver, Colo.

No. MC 25869 (Sub-No. 107), filed April 15, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 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, and foodstuffs in mixed loads with meat and meat products as described herein, except commodities in bulk and hides, from the plantsite and storage facilities of Geo. A. Hormel & Co., at Fremont, Nebr., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 28060 (Sub-No. 20), filed April 12, 1971. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles equipment, material, and supplies* used and distributed by meat packinghouses, from Chicago, Ill., to Sioux Falls, S. Dak. 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 Minneapolis, Minn., or Washington, D.C.

No. MC 35320 (Sub-No. 124), filed April 6, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408. 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, commodities requiring special equipment, grain, and those injurious or contaminating to other lading), between Detroit, Mich., and Toledo, Ohio, from Detroit over U.S. Highway 85 to junction Interstate Highway 75 (also Interstate Highway 75) to Toledo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized routes, restricted to prohibit the transportation of traffic originating at or destined to points in Ohio. NOTE: Common control may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 35807 (Sub-No. 19), filed April 16, 1971. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Box 4313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from Washington, D.C., to points in the contiguous 48 States of the United States. NOTE: Applicant states that the proposed operation would be performed for the General Services Administration. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 41404 (Sub-No. 96), filed April 12, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from the plant site or warehouse facilities of Armour-Dial, Inc., located at or near Fort Madison, Iowa, to points in Florida, Georgia, North Carolina, and Tennessee.* 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 50307 (Sub-No. 58), filed April 16, 1971. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment, used in the manufacture thereof, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Cumberland, Md.* 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 51146 (Sub-No. 213), filed April 13, 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: *Paper and paper products, products produced by manufacturers and converters of paper and paper products, from Mechanicsburg, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, returned and rejected shipments of the above-described commodities and paper and paper products, from the above-described States to Mechanicsburg, Pa.* NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible. Appli-

cant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 105), filed April 12, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients, from the plant of American Cyanamid Co. at South River, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.*

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 52460 (Sub-No. 106), filed April 12, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals including fertilizer materials, in bulk and in packages, from Military and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma and Texas; and (2) fertilizer and fertilizer materials, dry, in bulk or in packages, insecticides, fungicides, and herbicides (except liquid in bulk), also in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 52460 (Sub-No. 107), filed April 13, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representatives: Warren A. Goff and Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink, in bulk, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii).* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 52657 (Sub-No. 682), filed April 15, 1971. Applicant: ARCO AUTO

CARRIERS, INC., 241 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 21 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Motor vehicles (except trailers designed to be drawn by passenger automobiles) in initial movements in truckaway and driveway service, between Bath, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (B) motor vehicle cabs between Chicago, Ill., and Bath, 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 Washington, D.C., or New York, N.Y.

No. MC 53965 (Sub-No. 73), filed April 13, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Topeka, Kans., and Tulsa, Okla., over U.S. Highway 75, with no service at intermediate points.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., and Topeka, Kans.

No. MC 60271 (Sub-No. 2), filed April 15, 1971. Applicant: HARPER TRUCK LINE, INC., Post Office Box 288, Monroe, LA 71291. Applicant's representative: Wilbur C. Littleton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, chips, and sawdust, from points in Arkansas to Lillie and West Monroe, La.* 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 Monroe, La.

No. MC 61592 (Sub-No. 211), filed April 13, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and duct used in heating, cooling, air conditioning, or exhaust systems, including materials and supplies used in the installation thereof; (2) building construction wall sections, including accessories and parts thereof, from Westerville, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Louisiana, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North*

Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) materials, equipment and supplies used in the manufacture thereof, on return. 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 Columbus, Ohio.

No. MC 64932 (Sub-No. 493), filed April 5, 1971. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends*, in bulk, in tank vehicles, from Clinton, Iowa, to points in the United States (except Alaska and Hawaii); (2) *corn products and blends*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii); and (3) *corn products and blends*, in bulk, in tank vehicles, from Keokuk, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65580 (Sub-No. 17) (Clarification), filed April 7, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished, as clarified, this issue. Applicant: MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, PA 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia National Bank Building, Philadelphia, Pa. 19107. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Erie, Pa., and Cleveland, Ohio, from Erie over U.S. Highway 19 to junction Interstate Highway 90, thence over Interstate Highway 90 to Cleveland, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points. NOTE: The purpose of this republication is to reflect the correct filing date of April 7, in lieu of April 17, and to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Erie, Pa., or Cleveland, Ohio.

No. MC 69116 (Sub-No. 135), filed April 14, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Synthetic, plastic or composition flooring or tile*; (2) *facing or floor covering*; (3) *laying accessories*; and (4) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1), (2), and (3) above, between Lisbon, Maine, and points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and 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 73165 (Sub-No. 290), filed April 12, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Brooke and Marshall Counties, W. Va., to points in Arkansas, Oklahoma, Missouri, and Tennessee. NOTE: Applicant states that it proposes to tack the requested authority with its existing authority under MC 73165 and subs. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 73165 (Sub-No. 291), filed April 9, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Wheeling-Pittsburgh Steel Corp. at or near the following: Allentown, Pa.; Martins Ferry, Yorkville, Mingo Junction, and Steubenville, Ohio; Benwood, Follansbee, Wheeling, and Beechbottom, W. Va.; to points in Wisconsin, Minnesota, Iowa, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 74321 (Sub-No. 48), filed April 2, 1971. Applicant: B.F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representatives: Richard P. Kissinger (same address as applicant) and Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *Iron and steel articles*, from Ft. Collins, Colo., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking is possible with its Subs 15, 17, 21, 22, 27, 32, 34, and 42 certificates, 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 requested that it be held at Fort Worth or Dallas, Tex., or Denver, Colo.

No. MC 76032 (Sub-No. 283), filed April 9, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat-packers in the conduct of their business when destined to and for use by by meat-packers*, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sterling, Colo., to points in Arizona, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. 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 Denver, Colo.

No. MC 76032 (Sub-No. 284), filed April 13, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Car wash outfits and parts*, between Los Angeles and Sun Valley, Calif., on the one hand, and, on the other, points in Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its presently 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 Denver, Colo., or Los Angeles, Calif.

No. MC 79135 (Sub-No. 49), filed March 19, 1971. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, NY 13346. Applicant's representative: Joseph F. McCue (same address as applicant). 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): (a) Between Utica, N.Y., and points in Otsego County, N.Y.; and (b) between Hamilton, N.Y., and points in Otsego County, 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 Syracuse, N.Y.

No. MC 83217 (Sub-No. 52), filed April 15, 1971. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Street, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix 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 wagon vehicles), from West Fargo, Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., and destined to points in the named destination States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 99780 (Sub-No. 16), filed April 15, 1971. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, IL 61604. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from the plantsite of the Armour-Dial, Inc., at Fort Madison, Iowa, on the one hand, and, on the other, points in Illinois and Ohio, restricted to the transportation of Armour-Dial, Inc., traffic*

originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Springfield, or Peoria, Ill.

No. MC 100666 (Sub-No. 184) (Correction), filed March 17, 1971, and published FEDERAL REGISTER issue of April 15, 1971, and republished in part, as corrected, this issue. Applicant: MELTON TRUCK LINE, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation, Life Center, 3534 Northwest 58th, Oklahoma City, OK 73112, and Paul Caplinger, Post Office Box 7666, Shreveport, LA 71107. NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 100666 in lieu of MC 10066, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 102223 (Sub-No. 13), filed April 13, 1971. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., Post Office Box 206, Ankeny, IA 50021. 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: *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, between the plantsites and facilities of Farmlands Foods, Inc., at Denison, and Iowa Falls, Iowa, on the one hand, and, on the other, points in Connecticut, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, 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 Chicago, Ill., or Kansas City, Mo.

No. MC 103051 (Sub-No. 239), filed April 15, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, TN 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healy Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Belle Glade, Fla., to points in Palm Beach County, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 105813 (Sub-No. 180), filed April 9, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, 154 M.I.A. Station, 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: *Dairy products*, from Minster, Ohio, to points in Florida. 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 Columbus, Ohio, or Chicago, Ill.

No. MC 105813 (Sub-No. 181), filed April 9, 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 packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities utilized by Swift & Co., located at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. Restriction: Restricted to traffic originating at the plantsites and storage facilities utilized by Swift & Co., at or near St. Charles, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 539), filed April 2, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Creek County (except Bristow), Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 107227 (Sub-No. 118), filed April 14, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles*, except trailers and farm tractors, in secondary movements, from points in Los Angeles County, Calif., to points in Arizona and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at San Francisco or Los Angeles, Calif.

No. MC 107295 (Sub-No. 507), filed April 9, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and equipment, materials, and supplies* used in the installation of sheet metal products, and *pipe and tubing*, from Vernon, Calif., Dallas, Tex., Arlington Heights, Ill., and Philadelphia, Pa., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 316), filed April 15, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam chemicals*, except in bulk, requiring mechanical refrigeration, from Whiting, Ind., to Dallas, Tex. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 109637 (Sub-No. 379), filed April 13, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in California. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110144 (Sub-No. 11), filed April 8, 1971. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, Post Office Box 4126, Knoxville, TN 37921. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C.

467, livestock commodities, in bulk, and articles which because of size or weight require special handling, (a) between points in Tennessee on and east of U.S. Highway 27 and (b) between points in Tennessee on and east of U.S. Highway 24 on the one hand, and, on the other, Jackson, Miss. Note: Common control may be involved. Applicant states that the requested authority may be tacked at Chattanooga, Tenn., to a regular route between Chattanooga and Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 110420 (Sub-No. 635), filed April 13, 1971. Applicant: QUALITY CARRIERS, INC., I-94 and County Highway C, Bristol, WI, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup*, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, 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 Louisville, Ky.

No. MC 110686 (Sub-No. 42), filed April 14, 1971. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between the plant-site of Jersey Shore Steel Co. at Williamsport, Pa., and points in Kentucky. 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 111045 (Sub-No. 78), filed April 8, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. 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 Columbus, Ga., or Tampa, Fla.

No. MC 111375 (Sub-No. 47), filed April 13, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative:

Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malted milk products*, from Racine, Wis. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. Note: Applicant states it is now authorized to transport "malted milk" from Racine, Wis., to the named destination States. The sole purpose of this application is to clarify applicant's authority to transport a tablet comprised of malted milk and used as a trainer and food supplement for dogs and cats. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 335), filed April 16, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin J. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, from Memphis, Tenn., to Brownsville, Tex., for export into Mexico. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112304 (Sub-No. 47), filed April 15, 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*, from Houston, Tex., to Louisville, Ky. Note: Applicant states tacking possibilities exist with applicant's Sub 1 "size and weight" authority although tacking operations are not planned 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 113267 (Sub-No. 262), filed April 9, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk in tank vehicles), from Bonne Terre, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, and Tennessee. Note: Applicant states the authority sought could be tacked at Paducah, Ky., or Memphis, Tenn., to serve points in Arkansas and Mississippi; however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 113362 (Sub-No. 207), filed April 12, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the plantsite and storage facilities of Charms Co. at Bloomfield, N.J., to Indianapolis, Ind., Des Moines, Iowa, Louisville, Ky., Detroit, Mich., Minneapolis, Minn., St. Louis, Mo., and Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113362 (Sub-No. 208), filed April 14, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105 1/2 Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetables, milk, egg, or fruit ingredients, other than frozen (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, to points in Ohio, New York, Connecticut, Pennsylvania, and Minnesota. Restriction: Restricted to traffic originating at the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, and destined to points named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113651 (Sub-No. 141), filed April 9, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses, from points in Texas to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, 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 Washington, D.C. or Dallas, Tex.

No. MC 113651 (Sub-No. 142), filed April 14, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat*

packinghouses as described in sections A, C, and D of appendix I to the report in the *Description in Motor Carrier Certificates* case, from the facilities of Beefland International, Inc., at Council Bluffs, Iowa, and from Commercial Cold Storage Facilities in Omaha, Nebr., utilized by Beefland International, Inc., for storage purposes to points in Connecticut, Delaware, Kentucky, Indiana, Maryland, Maine, Michigan, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 114019 (Sub-No. 213), filed April 9, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. 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: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio, on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of Philadelphia, Pa., located in New Jersey, Delaware, and Maryland, points in that part of New York on the west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. NOTE: Applicant states it is presently authorized to serve between the above points by combining its existing authority and operating via Belmont County, Ohio, and Wheeling, W. Va., as gateways. Applicant further states that the purpose of instant application is to eliminate the necessity of observing the gateways. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 352), filed April 16, 1971. Applicant: TRANS-COLD

EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, 75240, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, drugs, advertising materials and display racks* in vehicles equipped with mechanical refrigeration, from Parsippany, N.J., to Dallas and Grand Prairie, Tex. 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., or Dallas, Tex.

No. MC 114211 (Sub-No. 151), filed April 15, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motors*, (2) *generators, motor and generator controls and central systems*, and (3) *parts and accessories* for the commodities described in (1), (2) and (3) above, from Minneapolis, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant has replied "no" to item VI(b) however in connection with this item it states the present authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be tacked. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114273 (Sub-No. 83), filed April 8, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite or storage facilities of Illinois Beef Packers, Inc., at or near Joslin, Ill., to points in Colorado, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 84), filed April 12, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, IA 52406, and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to Colorado and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114273 (Sub-No. 85), filed April 9, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68 (3930 16th Avenue SW.), Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, IA 52406, and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, *meat products*, and *meat byproducts*, and *articles* distributed by *meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Friona, Tex., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, 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 Dallas, Tex., or Chicago, Ill.

No. MC 114273 (Sub-No. 87), filed April 16, 1971. Applicant: CEDAR RAPIDS TRANSPORTATION, INC., Post Office Box 68 (3930 16th Avenue SW.), Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski (same address as applicant), and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flatware*, from Leominster, Mass., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114457 (Sub-No. 108), filed April 12, 1971. Applicant: DART TRANSPORT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Appli-

cant'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: (1) *Frozen foods*, from Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and (2) *equipment, materials and supplies used in the sale, distribution, and manufacture of frozen foods*, from the above named destinations to Chicago Heights, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 93), filed April 13, 1971. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: 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) *Sheet metal pipe duct, fittings, and parts for heating, cooling, and ventilating equipment*, no single piece to weigh more than 2,000 pounds; (2) *sheet metal down spouts, gutters, and fasteners* therefor, and (3) *advertising matter* relative to, and when moving in the same vehicle with the above-named commodities, from Arlington Heights, Ill., to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 94), filed April 13, 1971. Applicant: SHAFFER-TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: 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) *Sheet metal pipe duct, fittings, and parts for heating, cooling, and ventilating equipment*, no single piece to weigh more than 2,000 pounds, (2) *sheet metal down spouts, gutters, and fasteners therefor*, and (3) *advertising matter* relative to, and when moving the same vehicle with the above-named commodities, from Dallas, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, 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 114890 (Sub-No. 50), filed April 12, 1971. Applicant: C. E. REYN-

OLDS TRANSPORTS, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk and in packages, from Military, Kans., and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas, (2) *dry fertilizer and fertilizer materials*, in bulk or in packages, and (3) *insecticides, fungicides, and herbicides*, except liquid in bulk, moving individually or in connection with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 114890 (Sub-No. 51), filed April 8, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, OK. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid copper sulfate*, in bulk, in tank vehicles, from Cardin, Okla., to points in Missouri. 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 Tulsa or Oklahoma City, Okla.

No. MC 114969 (Sub-No. 42), filed April 8, 1971. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Post Office Box 232, Milford, OH. Applicant's representative: James R. Stiverson and Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Henderson, Ky., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115113 (Sub-No. 22), filed April 12, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as above). 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 section 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 utilized by Banner Beef Co., located at/or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restrictions: The service proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115162 (Sub-No. 224), filed April 14, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cabinets*, from points in Clark County, Ind.; (2) *Doors and door sections*, from points in Wayne County, Mich.; (3) *Fencing and poultry netting*, from points in Cook and Whiteside Counties, Ill.; (4) *Air coolers and air conditioners*, from points in Ionia County, Mich.; (5) *Bath tubs*, from points in Columbiana County, Ohio, and (6) *Bathroom or lavatory fixtures, china, earthenware, or porcelainware*, from points in Armstrong County, Pa.; to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115331 (Sub-No. 307), filed April 8, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1981 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite and storage facilities of River Cement Co., a division of River Corp., in or near Selma, Mo. (Jefferson County), to points in Illinois, Kentucky, and Missouri, and *returned or rejected shipments of cement, and empty pallets* from above-named destination States to above-named origin, on return. 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 St. Louis, Mo.

No. MC 115826 (Sub-No. 216), filed April 16, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representatives: Zeke Gomez (same address as applicant) and Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Oregon, and Washington, to Kennewick, Wash. NOTE: Ap-

plicant states that the authority sought herein is restricted to the transportation of traffic moving to Kennewick, Wash., for in transit storage. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Denver, Colo.

No. MC 116142 (Sub-No. 17), filed April 9, 1971. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, York, Pa. 17403. 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: *Malt beverages and advertising material*, from Williamsburg, Va., to points in Maryland and *empty malt beverage containers* on return. NOTE: Applicant states tacking would be possible at Baltimore, Md., to points in New York, Pennsylvania, and New Jersey and at Cumberland, Md., to Harrisburg, York, and Lancaster, Pa., New York, N.Y., and Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 116763 (Sub-No. 191), filed April 15, 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: (a) *Foundry equipment and foundry supplies; medical furniture, cabinets, equipment, and supplies; fabricated metal products and accessories and parts thereto*, from Versailles and Minster, Ohio, to points in the United States (except Alaska and Hawaii), and (b) *foundry equipment and foundry supplies; medical furniture, cabinets, equipment and supplies; fabricated metal products and accessories and parts thereto; and materials, equipment, and supplies* used in the manufacture and distribution of the above named items, from points in the United States (except Alaska and Hawaii) to Versailles, and Minster, Ohio. Applicant states that there may be tacking possibilities of the requested authority with its existing authority, but indicates it has no present intention to tack and therefore does not identify the points or territories which could 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 Columbus, Ohio.

No. MC 117119 (Sub-No. 435), filed April 14, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat prod-*

ucts, and meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Madison, Iowa, to points in Tennessee. NOTE: Common control may be involved. Applicant states that it does hold authority which could be tacked with that sought herein, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 118535 (Sub-No. 43), filed April 8, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk and in packages, from Military, Kans., and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas, and (2) *fertilizer and fertilizer materials*, dry, in bulk or in packages, *insecticides, fungicides and herbicides* (except in bulk), also in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdgris Rivers located in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states some tacking possibility might technically exist 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. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119004 (Sub-No. 2), filed April 16, 1971. Applicant: KAVANAGH TRUCKING CO., INC., 78 Lake Street, Tupper Lake, NY 12986. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bobbin blanks wooden*, from Tupper Lake, N.Y., to Beebe River, N.H., and *refused or rejected shipments of said commodity*, 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 Albany, N.Y.

No. MC 119399 (Sub-No. 26), filed April 13, 1971. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving in the same vehicle with malt beverages: (A) From Belleville and Peoria, Ill., to Joplin, Mo.; (B) from Fort Worth, Tex., to Joplin, Mo., and Shawnee, Okla.; (C) from Evansville, Ind., to Monnett, Mo.; (D) from Memphis, Tenn., and Milwaukee, Wis., to Joplin, Mo., and all points in Oklahoma, and (E) from St. Paul, Minn., to Butler, Joplin, Monett, and Springfield, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma and Tulsa, Okla.; Kansas City, St. Louis, or Springfield, Mo.

No. MC 119493 (Sub-No. 70), filed April 9, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, (Post Office Box 1196), Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, fertilizer materials, pesticides, fungicides and herbicides*, in bags, packages, and containers, from East St. Louis, Ill., to points in Missouri, Kansas, Oklahoma, Arkansas, Nebraska, and Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119631 (Sub-No. 14), filed April 12, 1971. Applicant: DEIOMA TRUCKING CO., a corporation, Mount Union Station, Post Office Box 915, Alliance, OH. Applicant's representatives: James R. Stiverson and Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Panels, clay slab and concrete, or concrete*, reinforced, with or without steel structural members, on flat bed semitrailers equipped with mechanical unloaders, from Minerva, Ohio to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of the above-described commodities, from points in the destination States in (1) above to Minerva, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119726 (Sub-No. 24), filed April 8, 1971. Applicant: N. A. B. TRUCKING CO., INC., 2502 Howard

Street, Indianapolis, IN 46221. Applicant's representative: James L. Beatty, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling board, ceiling tiles, wall-board, fiberboard, roof insulation, metal furring, fluorescent lighting fixtures, lenses and diffusers* for fluorescent lighting fixtures, and *plastic panels*, from Pensacola, Fla., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Lancaster, Pa.

No. MC 119789 (Sub-No. 64), filed April 7, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. 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: *Baby products*, including strollers, childrens vehicles, wardrobes, toys and games, chairs and stools, baby seats, play pens, and *parts and accessories* for the above-described items, from North Hollywood, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Indiana, Kentucky, Tennessee, Mississippi, Alabama, West Virginia, Pennsylvania, Delaware, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, 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 Los Angeles, Calif.

No. MC 119789 (Sub-No. 66), filed April 15, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (other than frozen), from St. Martinville, La., to Wichita, Kans., Tulsa, and Oklahoma City, Okla., Denver, Colo., and points in Texas, Idaho, Pennsylvania, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., New Orleans, La., or Washington, D.C.

No. MC 123392 (Sub-No. 30), filed April 5, 1971. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, TX 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, TX 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in tube trailers, from East Chicago, Ind., to Richmond, Calif. 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 Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123502 (Sub-No. 34), filed April 6, 1971. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, MD 21061. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Alloys and ores*, in dump vehicles, between points in Pennsylvania on and east of U.S. Highway 219, New Jersey, Delaware, and Maryland, and II. *Slag*, in dump vehicles, from points in Buck County, Pa., and Butler County, Ohio, 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 Philadelphia, Pa.

No. MC 123639 (Sub-No. 134), filed April 13, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Chicago, Ill., to Cheyenne, Wyo. 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 Cheyenne, Wyo.

No. MC 123936 (Sub-No. 4), filed April 5, 1971. Applicant: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 208 Kinsley Avenue, Providence, RI 02903. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, in retail delivery service, between points in Rhode Island, points in Hartford, Middlesex, New London, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Hampden, Norfolk, Plymouth, and Worcester Counties, Mass., and Boston, Mass. NOTE: Applicant states that the requested authority can be tacked with its existing authority in its Sub 2 certificate wherein it holds authority between points in Rhode Island, points in New London and Windham Counties, Conn., and those in Worcester, Plymouth, Bristol, and Norfolk Counties, Mass. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 123639 (Sub-No. 135), filed April 9, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts and skins*, green, salted

or chromed, *switches or tails*, cattle or horse, green, salted or chromed, and *scraps*, meat, from points in Iowa, Nebraska, Kansas, and Colorado, to Houston, and Laredo, Tex., New Orleans, La., and Detroit, Mich. NOTE: Applicant states that the authority sought could be tacked with its present authority, at points in Kansas, Iowa, Nebraska and Colorado to permit through service from Chicago, Ill., or at Denver, Colo., to permit through service from approximately the northern half of Illinois. Tacking at points other than in Iowa and Eastern Nebraska or Kansas would not be feasible due to circuitry. Applicant states that it has no intention of tacking at this time. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 124247 (Sub-No. 15), filed April 12, 1971. Applicant: DAN LODSKY TRUCKING, INC., Post Office Box 236, Gurnee, IL 60031. 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: *Gypsum products*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Adams, Brown, Calumet, Columbia, Crawford, Dodge, Door, Fond du Lac, Grant, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Manitowoc, Marathon, Marinette, Marquette, Monroe, Oconto, Outagamie, Ozaukee, Portage, Richland, Sauk, Shawano, Sheboygan, Vernon, Washington, Waupaca, Waushara, Winnebago, and Wood Counties, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124377 (Sub-No. 20), filed April 15, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, CO 80205. Applicant's representative: Stockton and Lewis, The 1650 Grant Street Building, Denver, CO 80203. 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, in tank vehicles), from Brush and Denver, Colo., to Albuquerque, N. Mex., restricted to partial unloading at Albuquerque, with final destination in Arizona, California, and Nevada, under a continuing contract with Sigman Meat Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125433 (Sub-No. 25), filed April 1, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representatives: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J.

Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require special handling or use of special equipment, and *other commodities* when shipped therewith; and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving therewith, between points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, on the one hand, and, on the other, points in Oregon and Washington, with stop in transit privileges at Boise, Idaho. 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 (1) Los Angeles, Calif., (2) San Francisco, Calif., (3) Portland, Oreg., and (4) Seattle, Wash.

No. MC 125951 (Sub-No. 16), filed April 8, 1971. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, Suite 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 defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Boston, Mass.; Philadelphia, Pa.; New York, N.Y., and points in New Jersey within 5 miles of New York City. 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 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. 126346 (Sub-No. 9), filed April 15, 1971. Applicant: HAUPT CONTRACT CARRIERS, INC., Post Office Box 842, Wausau, WI 54401. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transmission or power pumps, parts and accessories for transmissions and power pumps and materials, equipment, and supplies* used in the manufacture and distribution of transmissions and power pumps, between La Salle, Ill., and Ames, Iowa; (2) *transmission and power pumps, and parts for transmissions and power pumps*, from Ames, Iowa, and La Salle,

Ill., to points in the United States (except Montana, Wyoming, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Alaska, and Hawaii), and (3) *returned and rejected shipments and materials, equipment, and supplies* used in the manufacture and distribution of transmissions and power pumps, from the destination States named in (2) above to Ames, Iowa, and La Salle, Ill. Restriction: The above-requested authority is restricted to service under contract with the Sundstrand Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 126613 (Sub-No. 1), filed April 13, 1971. Applicant: GARDEN GROVE TRANSFER & STORAGE CO., a corporation, 11521 Anabel Avenue, Garden Grove, CA 92640. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside, Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127028 (Sub-No. 6), filed April 9, 1971. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog-food*, from the plantsites of Allen Canning Co. located at Gentry, Ark., Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., Kansas, Okla., and Proctor, Okla., to points in Arizona, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, Wisconsin, and Wyoming, and the District of Columbia, restricted to the transportation of traffic originating at the named plantsites of the Allen Canning Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 127047 (Sub-No. 13), filed April 13, 1971. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, KS 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles, wheel axle parts, hub and drum assemblies, wheel rims, and accessories*, from Newton, Kans., to points in Illinois and Indiana; (2) *pallets and related parts and accessories*, from Newton, Kans., to points in Illinois and Indiana; (3) *pallets and gondolas*, from Newton, Kans., to Chicago, Ill., and (3) *supplies and materials* used in the manufacture and distribution of commodities in (1) above, from Chicago, Ill., and Ashburn, Ga., to Newton, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127049 (Sub-No. 7), filed April 9, 1971. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Crafton, WI 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molded paper containers* from Shamokin, Pa., to points in the United States (except points in Alaska, Hawaii, and Pennsylvania); (2) (a) *Scrap paper*; (b) *Returned and rejected shipments of molded paper containers*; and (3) *Materials and supplies* used in the manufacture of molded paper containers (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Pennsylvania), to Shamokin, Pa., for the account of Formart Containers, Inc., of Cedarburg, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127274 (Sub-No. 24), filed April 7, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, and closures therefor, (1) from Dunkirk and Muncie, Ind., to points in North Carolina, South Carolina, and Georgia and (2) from Muncie, Ind., to Fort Smith, Ark. Restriction: Restricted to traffic originating at the plant and warehouse sites of Kerr Glass Manufacturing Corp. at Dunkirk and Muncie, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127957 (Sub-No. 2), filed April 6, 1971. Applicant: DOMINICK SPINELLI, doing business as DIRECT WAY AUTO SHIPPERS, 6812 Biscayne Boulevard, Miami, FL 33138. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Passenger automobiles* in secondary movements in drive-away service, (1) between points in Florida (except Miami) on the one hand, and, on the other, points in New York, Connecticut, New Jersey, California, Illinois, Iowa, Michigan, Ohio, Pennsylvania, Maryland, and Massachusetts; and (2) between points in Florida, on the one hand, and, on the other, points in the District of Columbia, Rhode Island, Virginia, Texas, Nevada, Wisconsin, Indiana, Kentucky, Louisiana, Tennessee, West Virginia, Delaware, Missouri, Kansas, Oklahoma, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128750 (Sub-No. 5), filed April 13, 1971. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, IL 62311. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, NOI, other than frozen, from the plantsite of Armour-Dial, Inc., at or near Fort Madison, Iowa, to points in Illinois and Missouri. 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 128762 (Sub-No. 5), filed April 7, 1971. Applicant: P. L. LAWTON, INC., Post Office Box 325, Berwick, PA 18603. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building sections, panels, curtain wall units, doors and door frames, and windows and window frames*, (2) *parts and accessories* for the commodities described in (1) above and (3) *architectural shapes*, from Bloomsburg, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Kawneer Co., Inc., a division of American Metal Climax, Inc. The purposes of the application are to eliminate from the similar authority held by applicant at MC 128762 the restrictions that the commodities in (1) above be "all made of aluminum", that transportation of the commodities in (3) above be limited to transportation thereof "when moving in mixed loads with the commodities described in (1) above", the restriction that the authority granted in (1) and (2) above is restricted to uncrated, unpackaged, and unwrapped shipments of the commodities specified therein, and to eliminate the exceptions of Medford, Mass., and

Carlstadt, N.J. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128866 (Sub-No. 21), filed April 14, 1971. Applicant: B & B TRUCKING, INC., 9 Brade Lane, Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from Cherry Hill, N.J., and Searcy, Ark., to Bells, Tenn., and Wells, Minn., under contract with Penny Plate, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 128882 (Sub-No. 5), filed April 12, 1971. Applicant: R. W. STEELE, doing business as R. W. STEELE TRUCKING CO., 320 Heaslett Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, between points in Logan County, Colo., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, and New Mexico, under a continuing contract with Water Equipment Engineering Co., Inc. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129643 (Sub-No. 5), filed April 16, 1971. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg, MB, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen chicken byproducts* (chicken fat-diced chicken meats and cooked broth), from the international boundary line between the United States and Canada at the port of entry near Eastport, Idaho, to Eugene, Oreg., restricted to single line service originating 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 Fargo, Minot, or Bismarck, N. Dak.

No. MC 129981 (Sub-No. 2), filed April 15, 1971. Applicant: BRIDGFORD DISTRIBUTING CO., a corporation, One Frozen Food Plaza, Secaucus, NJ. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bread dough*, from the plantsite and warehouse facilities utilized by Bridgford Food Corp., Secaucus, N.J., to points in North Carolina, South Carolina, Georgia, and Florida, under contract with Bridgford Food

Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133240 (Sub-No. 16), filed April 16, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. 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: *Textiles*, between the facilities of Cindy Lee Corp. and its subsidiaries located at New York, N.Y., and Passaic, N.J., on the one hand, and, on the other, Rock Hill S.C., and Danville, Va., Greensboro, N.C., Carlisle, S.C., Old Fort, N.C., Swainsboro, Ga., Mt. Wolf, Pa., Fall River, Mass., Memphis, Tenn., Yadkin, N.C., Limon, S.C., Providence, R.I., New Bedford, Mass., and Appomattox, Va., under contract with Cindy Lee Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133485 (Sub-No. 6), filed April 15, 1971. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, RI 02909. Applicant's representative: Morris J. Levin, 839 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stocks, bonds, securities, bullion, legal tender, monies, negotiable and nonnegotiable instruments* (except cash letters), *stamps, precious metal, precious stones, jewelry, and rare objects*, in armored motor vehicles escorted by armed guards, between points in Rhode Island, Massachusetts, Connecticut, New Jersey, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 133646 (Sub-No. 9), filed April 7, 1971. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, bags and blocks, from the plantsite of Dakota Salt & Chemical Co., near Williston, N. Dak., to points in Minnesota, Montana, South Dakota, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133776 (Sub-No. 2), filed April 5, 1971. Applicant: ASSOCIATED TRANSFER & STORAGE, INC., 815 East University, Urbana, IL 61801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between all points in Illinois. Restricted

to transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133863 (Sub-No. 4), filed April 7, 1971. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except building materials), in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, between the ports of Baltimore, Md., Philadelphia, Pa., Boston, Mass., and the port of New York, as defined in 49 CFR 1070.1. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It holds contract carrier authority under MC 35211, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 134163 (Sub-No. 3), filed April 7, 1971. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, foods, food products, and food preparations* (except commodities in bulk), (1) from points in Chester County, Pa., to points in District of Columbia, Maryland, West Virginia, Delaware, New Jersey, New York, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Baltimore, Md., and the District of Columbia, (3) from Sabasco Estates and Portland, Maine, and Gloucester, Mass., to West Chester, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-95793 and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134163 (Sub-No. 4), filed April 8, 1971. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food, food products, and food preparations* (except commodities in bulk), (1) from Swoyersville, Pa., to points in the District of Columbia, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, (2) from Hatboro, Pa., to points in Maryland, Delaware, New York, New Jersey, Connecticut, and Massachusetts, (3) from Hockessin, Del., to points in New York and Massachusetts, (4) from King of Prussia, Pa., to points in the District of Columbia, Delaware, Maryland, Massachusetts, Connecticut, New Hampshire, Vermont, Maine, and Rhode Island, and (5) from Danielson, Conn., to points in Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under No. MC 95793 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134460 (Sub-No. 6), filed April 15, 1971. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, in vehicles equipped with mechanical refrigeration, from San Francisco and Oakland, Calif., to points in Alameda, Monterey, Sacramento, San Francisco, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Sonoma, Yolo, Merced, Contra Costa, Napa, and Solano Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134477 (Sub-No. 11), filed April 12, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, ment 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 Certificate*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Armour & Co. at or near Worthington, Minn., and Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. 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 St. Paul, Minn.

No. MC 134794 (Sub-No. 2), filed April 8, 1971. Applicant: BILLIE G. WILSON, doing business as WILSON TRANSPORTATION COMPANY, 16412 Del Mar Lane, Huntington Beach, CA. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and mobile home running gear*, from Los Angeles, Calif., to Pendleton, La Grande, and Hermiston, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134820 (Sub-No. 1), filed April 14, 1971. Applicant: ROBERT ALBRIGHT, 11271 Glendale Way, Seattle, WA 98168. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 697 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tape, pressure sensitive; plastic film (PVA film); strapping, plastic*; from Stow and Alliance, Ohio, and Gary, Ind., to Seattle, Wash.; (2) *paper printing*, from Chicago, Ill., Hamilton, Ohio, Fort Smith, Ark., Brainerd and Cloquet, Minn., and Port Edwards, Wisconsin Rapids, Stevens Point, Wisconsin Dells, and Appleton, Wis., to Seattle, Wash., and (3) *cleaning compounds (liquid), and soap (liquid)* from Toledo, Ohio, to Seattle, Wash., under a continuing contract with West Coast Paper Co., Seattle, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134886 (Sub-No. 2), filed March 25, 1971. Applicant: U & ME TRANSFER, INC., 2626 Electronic Way, West Palm Beach, FL 33407. Applicant's representative: Richard B. Austin, Post Office Box 7488, Ludlum Branch, Miami, FL 33155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities requiring special equipment and those injurious or contaminating to other lading) between points in Dade, Broward, Indian River, Martin, Palm Beach, and St. Lucie Counties, Fla., restricted to traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at West Palm Beach or Miami, Fla.

No. MC 135100 (Sub-No. 3), filed April 5, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant and warehouse sites of Kraftco Corp., and its divisions, Kraft Foods and Humko Products, located at or near Champaign, Ill., to

points in the Lower Peninsula of Michigan, and those in Ohio on and north of U.S. Highway 40. NOTE: Applicant holds contract carrier authority under MC 2310, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135100 (Sub-No. 4), filed April 16, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, from Fort Madison, Iowa, to points in Illinois. NOTE: Applicant now holds contract carrier authority under its No. MC 2310, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135116 (Sub-No. 1), filed April 15, 1971. Applicant: RELIABLE TRANSFER COMPANY, a corporation, 121 East Jackson Avenue, Knoxville, TN 37902. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, as defined by the Commission, and unaccompanied baggage and personal effects*, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., Bell and Whitley Counties, Ky., Lee, Scott, Washington, and Wise Counties, Va., and Ashe, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watauga Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points sought, 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. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Atlanta, Ga.

No. MC 135206 (Sub-No. 1), filed April 16, 1971. Applicant: NORMAN KRUCKENBERG, doing business as N. K. TRUCKING, Post Office Box 1141, Kalispell, MT 59901. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Flathead, Lake, and Lincoln Counties, Mont., to points in North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Missoula or Great Falls, Mont.

No. MC 135213 (Sub-No. 2), filed March 25, 1971. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshoni Street, Lovell, WY 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick, including refractory mortars, castables, ramming mixes, anchor block and insulators*, from Denver, Colo., to Lovell, Wyo.; and (2) *clay products, including bentonite clay, fittings and accessories, clay pipe, fittings and jointing devices, flue lining, wall coping, face and common brick, structural clay tile, and fireplace accessories*, (a) between Billings, Mont., and points in Wyoming; (b) between Lovell, Wyo., inclusive, and the plantsites of the Lovell Clay Products and American Colloid Co., at or near Lovell, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, under contract with the Lovell Clay Products Co. and American Colloid Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Cheyenne, Wyo.

No. MC 135236 (Sub-No. 1), filed April 16, 1971. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Hammondsport, N.Y., New York, N.Y., Baltimore, Md., Pt. Newark, N.J., and Newark, N.J., to points in Ohio, Indiana, Kentucky, and Illinois; (2) *used malt beverage containers*, from above-named destinations to above-named origins, on return; and (3) *wines and champagnes*, from North Bergen, N.J., and Hammondsport, N.Y., to points in Ohio, Indiana, Illinois, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135244 (Sub-No. 1), filed April 6, 1971. Applicant: NUTRITION PLUS, INC., 1000 Hillcrest Road, Wayne, NE 68787. Applicant's representative: Merle Sieler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Malvern, Iowa, to points in Burt, Cumming, Dakota, Dixon, Thurston, and Wayne Counties, Nebr., under a continuing contract with Standard Chemical Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135381 (Correction), filed March 9, 1971, published in the FEDERAL REGISTER, issue of April 22, 1971, and republished in part, as corrected, this issue. Applicant: DRUM TRANSPORTATION COMPANY, a corporation, Rural Delivery No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr.,

1111 E Street NW., Washington, DC 20004. Note: The sole purpose of this partial republication is to show the correct docket number as MC 135381 in lieu of MC 13581 which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 135422 (Sub-No. 2), filed April 9, 1971. Applicant: B & W TRUCKING CO., a corporation, 1625 Darl Drive, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials* (except commodities in bulk, in tank vehicles), from Dubuque, Iowa, to points in Carroll, Jo Daviess, and Stephenson Counties, Ill.; points in Crawford, Grant, Iowa, and Lafayette Counties, Wis., under contract with Wickes Lumber and Building Supplies. Note: If a hearing is deemed necessary, applicant requests it be held at Dubuque or Des Moines, Iowa, or Madison, Wis.

No. MC 135437 (Sub-No. 1), filed April 5, 1971. Applicant: TRI-NORTH-EASTERN TRANSPORT, INC., Post Office Box 25, Webster, NY 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Batavia, N.Y., to Rochester, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 135446 (Correction), filed March 23, 1971, published FEDERAL REGISTER issue of April 15, 1971, and republished in part as corrected this issue. Applicant: LINCOLN LAND MOVING & STORAGE, INC., 1304 West Bradley, Champaign, IL 61820. Applicant's representative: Joseph W. Anderson, 307 West Green, Champaign, IL 61820. Note: The purpose of this partial republication is to reflect the correct docket number as MC 135446 in lieu of MC 135466, shown inadvertently in the previous publication. The rest of the application remains the same.

No. MC 135455 (Sub-No. 1), filed April 6, 1971. Applicant: LESLIE G. BOOMGARDEN, doing business as SQUARE DEAL TRUCKING, 1931 Dean Street, Des Plaines, IL 60018. Applicant's representative: Edward G. Finnegan, 134 N. La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Deposit boxes, drive-up windows, safety deposit boxes, alarms, security systems and accessories, safes, vaults and protection products and devices, bank protection systems, products and devices, mechanized file systems and accessories*, from Chicago, Ill., to all points within Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Indiana, under contract with Diebold, Inc. Note: If a hearing is deemed neces-

sary, applicant requests it be held at Chicago, Ill.

No. MC 135492, filed April 5, 1971. Applicant: NORTHERNAIR FREIGHT SERVICE, INC., 12 Home Avenue, Burlington, VT 05401. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between the U.S. Customhouse at the international boundary line at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, Bradley International Airport at Windsor Locks, Conn., Tweed-New Haven Airport at New Haven, Conn., MacArthur Field at Islip, N.Y., Westchester County Airport at White Plains, N.Y., La Guardia Airport and John F. Kennedy Airport at New York, and Newark Airport at Newark, N.J., all having a prior or subsequent movement by air. Note: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y., or Burlington, Vt.

No. MC 135503, filed April 13, 1971. Applicant: B. F. (BOB) BOHLING, doing business as BOHLING MOVING & STORAGE, 10415 Hickman Mills Drive, Kansas City, MO 64137. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Interstate Commerce Commission, between points in Atchison, Douglas, Franklin, Jefferson, Johnson, Leavenworth, Miami, Shawnee, and Wyandotte Counties, Kans.; and Bates, Buchanan, Carroll, Cass, Clay, Clinton, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties, Mo., 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 requests it be held at Kansas City, Mo.

No. MC 135504, filed April 13, 1971. Applicant: DWIGHT KNUTSON, Route No. 1, Platte, SD 57369. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and livestock, commercial feed and supplements*, from Worthington, Minn., to Platte, S. Dak., under contract with Platte Hatchery. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 135505, filed April 5, 1971. Applicant: HENRY R. LIEDKIE, JR., doing

business as H. R. LIEDKIE & SON, 13-15 North College Street, Schenectady, NY 12305. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Schenectady, N.Y., on the one hand, and, on the other, points in the counties of Albany, Schenectady, Saratoga, Schoharie, Fulton, Montgomery, Rensselaer, and Washington, N.Y., under contract with Western Electric Co., Inc. Applicant is authorized to operate under MC 100385 and sub, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 135508, filed April 12, 1971. Applicant: MONROE FURNITURE CORPORATION, Post Office Box 40, Frisco City, AL 36445. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite of Frisco Manufacturing Co., Inc., located at Frisco City, Ala., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* (except in bulk) used in the production of new furniture, from points in the United States (except Alaska and Hawaii), to the plantsite of Frisco Manufacturing Co., Inc., located at Frisco City, Ala., under continuing contract with Frisco Manufacturing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 135510, filed April 5, 1971. Applicant: ROBERT E. BAILEY TRANSPORT, INC., 1424 Northeast Dekum Street, Portland, OR 97211. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel products*, between Portland, Oreg., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *machinery* used in the manufacture of iron and steel products and fiberglass boats, from points in the United States (except Alaska and Hawaii), to Portland; (3) *fiberglass boats*, from Portland, to points in the United States (except Alaska and Hawaii). Restriction: The service herein applied for to be performed for the account of Albina Corp. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 135511, filed April 9, 1971. Applicant: MICHAEL M. SCHAEFER, Route 837, Floreffe, PA 15039. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Salt*, in bulk, from West Elizabeth and Jefferson Boroughs, Allegheny County, Pa., to points in Maryland, Pennsylvania, Ohio, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 135515, filed April 5, 1971. Applicant: JOHN M. SKRIBA, Rural Delivery No. 1, Box 488C, Charleroi, PA 15022. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and kitchen appliances*, from the plantsites of Santori Bros., Inc., at Monessen and Belle Vernon, Pa., to points in Ohio, West Virginia, Maryland, the District of Columbia, Virginia, New York, New Jersey, and Indiana, under contract with Santori Bros., Inc., of Monessen and Belle Vernon, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 135516, filed April 9, 1971. Applicant: HORACE CHAVIS, doing business as CHAVIS TRANSFER, 2019 Decatur Street, Richmond, VA 23224. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen wall cabinets and sink tops*, from Richmond, Va., to points in North Carolina, South Carolina, Maryland, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 135531, filed April 9, 1971. Applicant: SUPERIOR CARTAGE OF WASHINGTON, a corporation, 150 South Horton Street, Seattle, WA 98134. Applicant's representative: James F. Loveridge, Jr., 2920 Seattle-First National Bank Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), from facilities of Superior Fast Freight, located at Tacoma, Wash., to Seattle, Kent, and Renton, Wash., under contract with Superior Fast Freight. Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 71), filed April 12, 1971. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between junction New

York Highway 208 and New York Highway 207, near Burnside, N.Y., and junction New York Highway 207 and County Highway 38 near Newburgh, N.Y., over New York Highway 207, serving all intermediate points; (2) between junction New York Highway 207 and County Highway 38, near Newburgh, N.Y., and junction New York Highway 17K and County Highway 38 near Newburgh, N.Y., over County Highway 38, serving all intermediate points; and (3) between junction New York Highway 208 and New York Highway 94 via Washingtonville, N.Y., and junction New York Highway 32 and New York Highway 94, near Vails Gate, N.Y., over New York Highway 94, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newburgh, N.Y., or New York, N.Y.

No. MC 45626 (Sub-No. 67), filed March 19, 1971. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Castleton Corners, Vt., and Fair Haven, Vt., serving all intermediate points: From junction of U.S. Highway 4 and Vermont Highway 30 (Castleton Corners) over Vermont Highway 30 to Poultney, Vt., thence over unnumbered Vermont Highway to the Vermont-New York State line, thence over unnumbered New York highway to the junction of New York Highway 22A, thence over New York Highway 22A to the New York-Vermont State line, thence over Vermont Highway 22A to junction of U.S. Highway 4 at Fair Haven, and return over the same route; (2) between junction of New Hampshire Highways 12 and 119 at Fitzwilliam, N.H., and junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, N.H., serving all intermediate points: From Junction of New Hampshire Highways 12 and 119 at Fitzwilliam, over New Hampshire Highway 119 to Junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge and return over the same route; (3) between White River Junction, Vt., and South Burlington, Vt., over Interstate Highway 89, including service at all interchanges of said highway between White River Junction and South Burlington and including authority to operate over the route described below, serving the points specified below:

(a) From Interchange 2 of Interstate Highway 89 over Vermont Highway 132 to junction Vermont Highway 14 at Sharon, Vt., and return over the same route, serving all intermediate points; (b) from Interchange 4 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 12 at Randolph, Vt., and return over the same route, serving all intermediate points;

(c) from Interchange 4 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 14 at East Randolph, Vt., and return over the same route, serving all intermediate points; (d) from Interchange 5 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 12 at South Northfield, Vt., and return over the same route, serving all intermediate points; (e) from Interchange 5 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 14 at Williamstown, Vt., and return over the same route, serving all intermediate points; (f) from Interchange 6 of Interstate Highway 89 over access road to Junction Vermont Highway 14 at South Barre, Vt., and return over the same route, serving all intermediate points; (g) from Interchange 7 of Interstate Highway 89 over access roads to junction U.S. Highway 302, and return over the same route, serving all intermediate points; (h) from Interchange 11 of Interstate Highway 89 over Vermont Highway 15 to Essex Junction, Vt., and return over the same route, serving all intermediate points; (i) from Interchange 12 of Interstate Highway 89 over Vermont Highway 7 at Colchester, Vt., and return over the same route, serving all intermediate points; (j) from Interchange 12 of Interstate Highway 89 over Vermont Highway 2A to Junction Vermont Highway 116 at St. George, Vt., and return over the same route, serving all intermediate points and (k) from Interchange 13 of Interstate Highway 89 over Interstate Highway 189 to Junction U.S. Highway 7, and return over the same route; (B) applicant also applies for authority to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, in the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, in special operations, as follows:

(1) Between Junction New Hampshire Highway 119 and unnumbered highway (College Road) and Franklin Pierce College at West Rindge, N.H., serving all intermediate points: From Junction New Hampshire Highway 119 and unnumbered highway (College Road) approximately 1.1 miles west of Junction New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, over unnumbered highway to Franklin Pierce College at West Rindge and return over the same route; (2) between Junction Vermont Highways 100 and 105 just west of Newport, Vt., and Junction Vermont Highway 105 and U.S. Highway 7 at St. Albans, Vt., serving all intermediate points: From Junction Vermont Highways 100 and 105 west of Newport, over Vermont Highway 105 to Junction Vermont Highway 105 and U.S. Highway 7 at St. Albans and return over the same route; (3) between East Berkshire, Vt., and Eden, Vt., serving all intermediate points: From East Berkshire over Vermont Highway 118 to Eden and return

over the same route; (4) between Montgomery Center, Vt., and Jay Peak Ski Area, Vt., serving all intermediate points: From Montgomery Center over Vermont Highway 242 to Jay Peak Ski Area and return over the same route; (5) between Belvidere Corners, Vt., and Cambridge Junction, Vt., serving all intermediate points: From Belvidere Corners over Vermont Highway 109 to Junction Vermont Highways 109 and 15 at Cambridge Junction and return over the same route; (6) between West Burke, Vt., and Newport, Vt., serving all intermediate points: From West Burke over Vermont Highway 5A to Junction U.S. Highway 5 near Derby Center, Vt., thence over U.S. Highway 5 to Newport and return over the same route; (7) between Junction U.S. Highway 2 and Vermont Highway 14 at East Montpelier, Vt., and Junction Vermont Highways 14 and 100 west of Newport, Vt., serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 14 at East Montpelier over Vermont Highway 14 to Junction Vermont Highways 14 and 100 west of Newport and return over the same route;

(8) Between Junction Vermont Highway 14 and unnumbered highway south of Craftsbury, Vt., and junction unnumbered highway and Vermont Highway 14 north of Craftsbury Common, Vt., serving all intermediate points: From Junction Vermont Highway 14 and unnumbered highway through Craftsbury and Craftsbury Common to Junction unnumbered highway and Vermont Highway 14 and return over the same route; (9) between St. Johnsbury, Vt., and Junction Vermont Highway 25 and unnumbered highway near East Corinth, Vt., serving all intermediate points: From St. Johnsbury over unnumbered highway to Junction Vermont Highway 25 near East Corinth, passing through Danville, Peacham, Groton, and East Corinth, Vt., and return over the same route; (10) between Junction U.S. Highway 2 and Vermont Highway 116 in South Burlington, Vt., and Junction Vermont Highways 116 and 117, serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 116 over Vermont Highway 116 to Junction Vermont Highways 116 and 117 and return over the same route; (11) between Richmond, Vt., and Junction Vermont Highway 15 near Underhill Flats, Vt., serving all intermediate points: From Richmond over unnumbered highway through Jericho Center, Vt., to Junction Vermont Highway 15 near Underhill Flats and return over the same route; (12) between Burlington, Vt., and Junction Vermont Highway 127 and U.S. Highway 7 near Malletts Bay, Vt., serving all intermediate points: From Burlington over Vermont Highway 127 to Junction Vermont Highway 127 and U.S. Highway 7 and return over the same route; (13) between Montpelier, Vt., and Morrisville, Vt., serving all intermediate points: From Montpelier over Vermont Highway 12 to Morrisville and return over the same route;

(14) Between Montpelier, Vt., and South Barre, Vt., serving all intermediate points: From Montpelier over unnumbered highway via Montpelier Airport to South Barre and return over the same route; (15) between Junction Vermont Highway 116 and unnumbered highway east of Bristol, Vt., and Roxbury, Vt., serving all intermediate points: From Junction Vermont Highway 116 and unnumbered highway over unnumbered highway through West Lincoln, Lincoln, Warren, and East Warren, Vt., to Roxbury and return over the same route; (16) between Waitsfield, Vt., and East Warren, Vt., serving all intermediate points: From Waitsfield over unnumbered highway to East Warren and return over the same route; (17) between U.S. Highway 5 and Lake Morey, Vt., near Fairlee, Vt., serving all intermediate points: From Junction U.S. Highway 5 and unnumbered highway near Fairlee, over unnumbered highway around Lake Morey and return over the same route; (18) between Junction Vermont Highways 107 and 12 near Bethel, Vt., and Woodstock, Vt., serving all intermediate points: From Junction Vermont Highways 107 and 12 near Bethel over Vermont Highway 12 through Bernard, Vt., to Woodstock and return over the same route; (19) between Hartland, Vt., and U.S. Highway 4 near Taftsville, Vt., serving all intermediate points: From Hartland over Vermont Highway 12 to Junction U.S. Highway 4 near Taftsville and return over the same route; (20) between Junction U.S. Highway 7 and Vermont Highway F-5 near Charlotte, Vt., and Essex, N.Y., serving all intermediate points: From Junction U.S. Highway 7 and Vermont Highway F-5 near Charlotte, over Vermont Highway F-5 to and over the Charlotte-Essex Ferry to Essex and return over the same route;

(21) Between Bristol, Vt., and Addison, Vt., serving all intermediate points: From Bristol over Vermont Highway 17 to Addison and return over the same route; (22) between Chimney Point, Vt., and Middlebury, Vt., serving all intermediate points: From Chimney Point over Vermont Highway 125 to Middlebury and return over the same route; (23) between Junction New York Highways 22A and 273 near Poultney, Vt., and Junction New York Highway 273 and U.S. Highway 4 near Whitehall, N.Y., serving all intermediate points: From Junction New York Highways 22A and 273 near Poultney, over New York Highway 273 to Junction of New York Highway 273 and U.S. Highway 4 near Whitehall and return over the same route; (24) between Poultney, Vt., and Manchester Center, Vt., serving all intermediate points: From Poultney over Vermont Highway 30 to Manchester Center and return over the same route; (25) between Equinox Mountain, Vt., and junction unnumbered Vermont highway and U.S. Highway 7 south of Manchester, Vt., serving all intermediate points: From Equinox Mountain over so-called "Mt. Equinox Skyline Drive" to Junction

U.S. Highway 7 and return over the same route; (26) between Brattleboro, Vt., and Rawsonville, Vt., serving all intermediate points: From Brattleboro over Vermont Highway 30 to Rawsonville and return over the same route; (27) between East Jamaica, Vt., and Mt. Snow Ski Area, Vt., serving all intermediate points: From East Jamaica over Vermont Highway 100 to Mt. Snow Ski Area and return over the same route; (28) between Lebanon, N.H., and Claremont, N.H., serving all intermediate points: From Lebanon over New Hampshire Highway 120 to Claremont and return over the same route; (29) between Newport, N.H., and Junction New Hampshire Highway 11 and Interstate Highway 89, serving all intermediate points: From Newport over New Hampshire Highway 11 to Junction Interstate Highway 89 and return over the same route;

(30) Between Potter Place, N.H., and Junction New Hampshire Highway 11 and unnumbered highway known as Kings Hill Road southeast of New London, N.H., serving all intermediate points: From Potter Place over New Hampshire Highway 11 to Junction New Hampshire Highway 11 and unnumbered highway known as Kings Hill Road and return over the same route; (31) between Georges Mills, N.H., and Interchange 12A of Interstate Highway 89 serving all intermediate points: From Georges Mills over unnumbered highway to Interchange 12A of Interstate Highway 89 and return over the same route; (32) between North Woodstock, N.H., and Conway, N.H., serving all intermediate points: From North Woodstock over the Kancamagus Highway, so-called, to Junction New Hampshire Highway 16, thence over New Hampshire Highway 16 to Conway, and return over the same route; (33) between Junction U.S. Highway 2 and Vermont Highway 18 near East St. Johnsbury, Vt., and Junction U.S. Highway 2 and U.S. Highway 3 near Lancaster, N.H., serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 18 near East St. Johnsbury, over U.S. Highway 2 to Junction U.S. Highway 3 near Lancaster and return over the same route; (34) between Keene, N.H., and the Junction Interstate Highway 89 and New Hampshire Highway 10 near Grantham, N.H., serving all intermediate points: From Keene over New Hampshire Highway 10 to Junction Interstate Highway 89 and New Hampshire Highway 10 near Grantham and return over the same route; (35) between Hopkinton, N.H., and Junction New Hampshire Highways 9 and 10 north of Keene, N.H., serving all intermediate points: From Hopkinton over U.S. Highway 202 to Hillsboro, N.H., thence over New Hampshire Highway 9 to junction New Hampshire Highway 10 north of Keene and return over the same route; (36) Between Peterborough, N.H., and Hillsboro, N.H., serving all intermediate points: From Peterborough over U.S. Highway 202 to Hillsboro and return

over the same route; (37) between Junction U.S. Highway 4 and Cardigan Mountain School at Canaan, N.H., serving all intermediate points: From Junction U.S. Highway 4 and unnumbered highway, over unnumbered highway to Cardigan Mountain School and return over the same route; (38) between Lyme, N.H., and Dartmouth College Skiway, N.H., serving all intermediate points: From Junction New Hampshire Highway 10 and unnumbered highway at Lyme, over unnumbered highway to Dartmouth Skiway and return over the same route; (39) between West Lebanon, N.H., and Junction New Hampshire Highways 12A and 12 near North Charlestown, N.H., serving all intermediate points: From West Lebanon over New Hampshire Highway 12A to Junction New Hampshire Highways 12A and 12 near North Charlestown and return over the same route; (40) between Sheldon Junction, Vt., and Swanton, Vt., serving all intermediate points: From Sheldon Junction over Vermont Highway 78 to Swanton and return over the same route; (41) between Junction Vermont Highway 14 and unnumbered highway east of South Royalton, Vt., and the Joseph Smith Monument near McIntosh Pond, Vt., serving all intermediate points: From Junction Vermont Highway 14 and unnumbered highway, over unnumbered highway to the Joseph Smith Monument and return over the same route; (C) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub-No. 23 issued September 13, 1967, as follows:

(1) Authority to serve all intermediate points between Oxford and Hanover, N.H., on New Hampshire Highway 10, (2) authority to serve all intermediate points between North Woodstock, N.H., and Warren, N.H., on New Hampshire Highway 118, (3) authority to serve for the purpose of joinder the following point: Junction of Vermont Highway 25 and unnumbered Vermont highway near East Corinth, Vt. and (4) authority to transport express and newspapers in the same vehicle with passengers between Jeffersonville, Vt., and Stowe, Vt., over Vermont Highway 108, serving all intermediate points; (D) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 26 issued January 5, 1952 as follows: (1) Authority to transport express and newspapers, in the same vehicle with passengers, between all points described in said certificate; (E) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 33 issued September 15, 1970, to authorize for purposes of joinder, in addition to points presently authorized for joinder, the following points: (1) Junction Vermont Highway 22A and Vermont Highway 17 to Addison, Vt., (2) Junction Vermont Highway 22A and Vermont Highway 125 near Bridport, Vt., and (3) Junction New York Highway 22A and New York Highway 273 near Poultney, Vt.; (F) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 34 issued August 20, 1956 as follows:

(1) Authority to serve all intermediate points, (2) authority to transport express and newspapers, in the same vehicle with passengers, and (3) authority to serve for the purpose of joinder: Junction to Vermont Highways 17 and 125 at Chimney Point, Vt., and (G) applicant further requests modification of its existing Certificate No. MC 45626 Sub 61, which was issued prior to the completion of Interstate Highway 89, so that said certificate will authorize operation as follows: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Warner, N.H. and Lebanon, N.H., serving Interchanges 11, 12, 12A, and 13 of Interstate Highway 89 as intermediate points: From Warner over Interstate Highway 89 to Lebanon and return over the same route; between Interchanges 11 and 12 of Interstate Highway 89, serving all intermediate points: From Interchange 11 of Interstate Highway 89 over unnumbered highway known as Kings Hill Road to Junction New Hampshire Highway 11, thence over New Hampshire Highway 11 to Interchange 12 of Interstate Highway 89 and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Brattleboro, White River Junction, or Montpelier, Vt.

No. MC 61016 (Sub-No. 36), filed April 7, 1971. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, MA 02108. Authority sought to operate as a common carrier, by motor vehicles, over regular routes, transporting: *Express and newspapers in the same vehicle with passengers*, between Amherst, Mass., and Bradley Field, Windsor Locks, Conn., (a) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road) thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, (b) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to the Massachusetts-Connecticut State line, thence over Interstate Highway 91 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, and (c) from Amherst over Massachusetts Highway 9 to junction Massachusetts Highway 47 at or near Hadley, Mass., thence over Massachusetts Highway 47 to South Hadley, Mass., thence over city streets to Granby, Mass., thence over U.S. Highway 202 to

junction Massachusetts Highway 33, thence over Massachusetts Highway 33 to Chicopee, Mass., thence over city streets to Springfield, Mass., thence over city streets to Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A, thence over Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road), thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, and serving all intermediate points in connection with (a), (b), and (c) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 69394 (Sub-No. 11), filed April 13, 1971. Applicant: THE GRAY LINE, INC., 25 Webber Street, Roxbury (Boston), MA 02119. Applicant's representative: Charles W. Singer, 33 North Dearborne Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Boston and Worcester, Mass.: From Boston over Massachusetts Highway 9 to Worcester (also from Boston over Interstate Highway 90 to Interstate Highway 290, and thence over Interstate Highway 290 to Worcester; from Boston over Interstate Highway 90 to junction Massachusetts Highway 12 and thence over Massachusetts Highway 12 to Worcester; and from Boston over Interstate Highway 90 to junction unnumbered highway at Exit 11, thence over unnumbered highway to junction Massachusetts Highway 122, and thence over Massachusetts Highway 122 to Worcester), and return over the same routes, serving all intermediate points; (2) between Boston, Mass., and junction U.S. Highway 20 and Massachusetts Highway 9: From Boston over U.S. 20 to junction Massachusetts Highway 9, and return over the same route, serving all intermediate points; (3) between junction U.S. Highway 20 and Massachusetts Highway 128 and junction Massachusetts Highways 9 and 128: From junction U.S. Highway 20 and Massachusetts Highway 128 over Massachusetts Highway 9, and return over the same route, serving all intermediate points; and (4) between junction Interstate Highway 495 and U.S. Highway 20 and junction Interstate Highways 90 and 495: From junction Interstate Highway 495 and U.S. Highway 20 over Interstate Highway 495 to junction Interstate Highway 90, and return over the same route, serving all intermediate points. NOTE: purpose of the instant application is to secure interstate authority generally corresponding to the Massachusetts intrastate authority being acquired by applicant from the Boston-Worcester Corp.,

Worcester, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130143, filed April 5, 1971. Applicant: VOYAGES AMERICA TOURS, INC., 332 South Michigan Avenue, Suite 1840, Chicago, IL 60604. For a license (BMC-5) to engage in operations as a broker at Chicago, Ill., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, both as individuals and in groups, in special and charter operations, between points in the United States including Alaska and Hawaii. NOTE: Applicant states that the proposed operations are for European tourists visiting the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 135479, filed March 29, 1971. Applicant: D. & M. TRUCKING CO., INC., Post Office Box 718, La Madera, NM 87539. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Mica ore*, in bulk, from mine sites in that part of Rio Arriba County, N. Mex., north of Hernandez, on and west of U.S. Highway 285, on and east of U.S. Highway 84 and south of a straight line between Tres Piedras, N. Mex., and Tierra Amarilla, N. Mex., to Buckeye, Ariz.; and (2) *milled mica*, from mill sites in that part of Rio Arriba County, N. Mex., north of Hernandez, on and west of U.S. Highway 285, on and east of U.S. Highway 84 and south of a straight line between Tres Piedras, N. Mex., and Tierra Amarilla, N. Mex., to Antonito, Colo., under contract with Moore Mica Co., Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-6274 Filed 5-5-71;8:45 am]

[Notice 688]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72831. By order of April 30, 1971, the Motor Carrier Board approved the transfer to Schweitzer Transportation, Inc., Seward, Nebr., of the operating rights in permit No. MC-125785 (Sub-No. 6), issued April 2, 1971, to Saturn Express, Inc., Omaha, Nebr., authorizing the transportation of metal grain silos and other specified commodities from and to specified points in Kentucky, Nebraska, Iowa, and other specified States. David R. Parker, Box 82028, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-6354 Filed 5-5-71;8:48 am]

[Notice 688-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under

section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72849. By application filed April 29, 1971, GALE DELIVERY, INC., Post Office Box 573, Lynbrook, Long Island, NY 11563, seeks temporary authority to lease the operating rights of BONDED TRUCKING & RIGGING, INC., 16 Main Street, Lowell, MA 01853, under section 210a(b). The transfer to GALE DELIVERY, INC., of the operating rights of BONDED TRUCKING & RIGGING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-6355 Filed 5-5-71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 3, 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. 42188—*Freight, all kinds between Chicago, Ill., and Southern Freight Association Territory*. Filed by Illinois Freight Association, agent (No.367), for interested rail carriers. Rates on freight, all kinds, in carloads, as described in the application, between Chicago, Ill., on the L&N on the one hand, and points in southern territory, on the other.

Grounds for relief—Carrier competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.
[FR Doc.71-6356 Filed 5-5-71;8:48 am]

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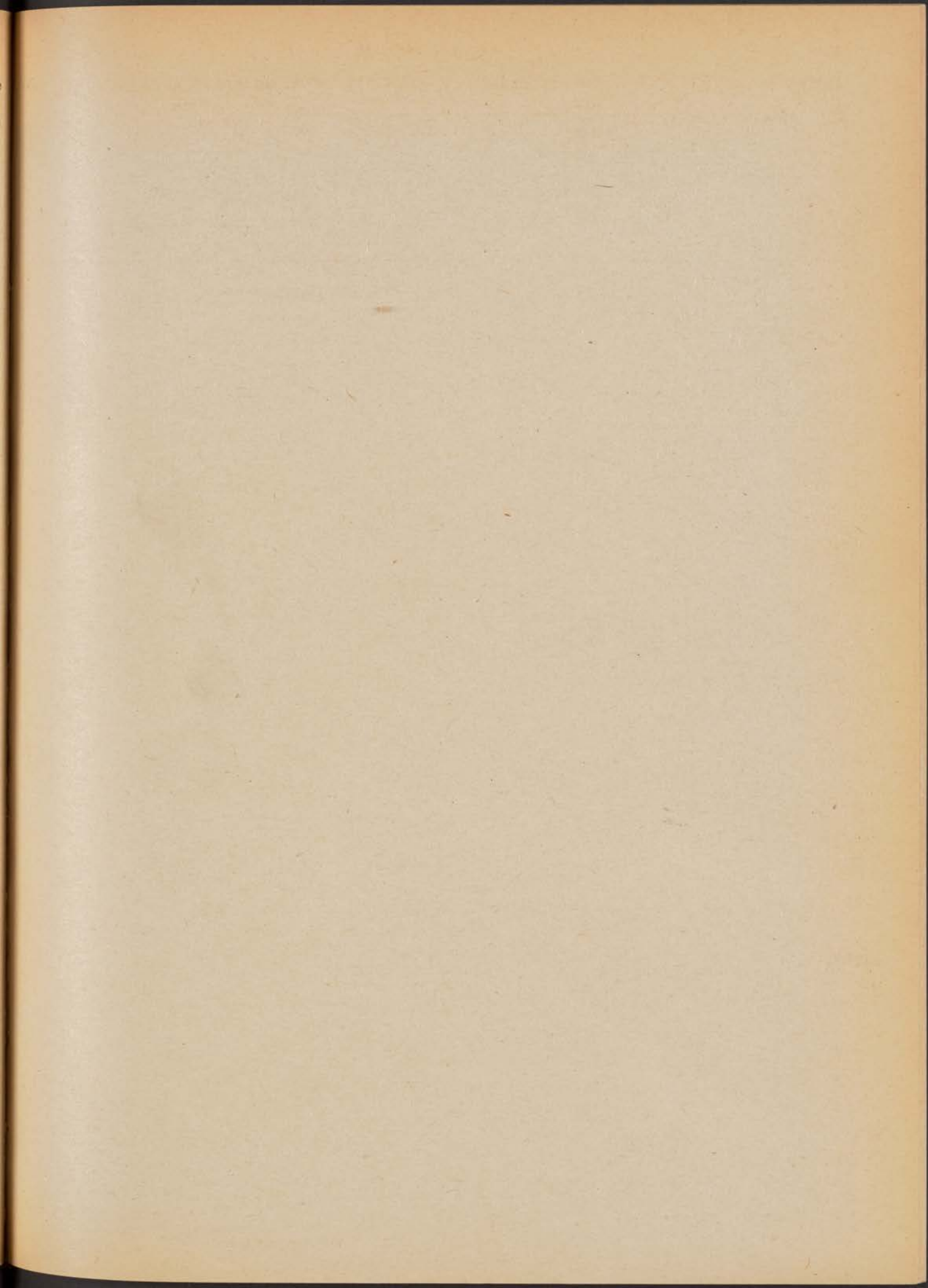
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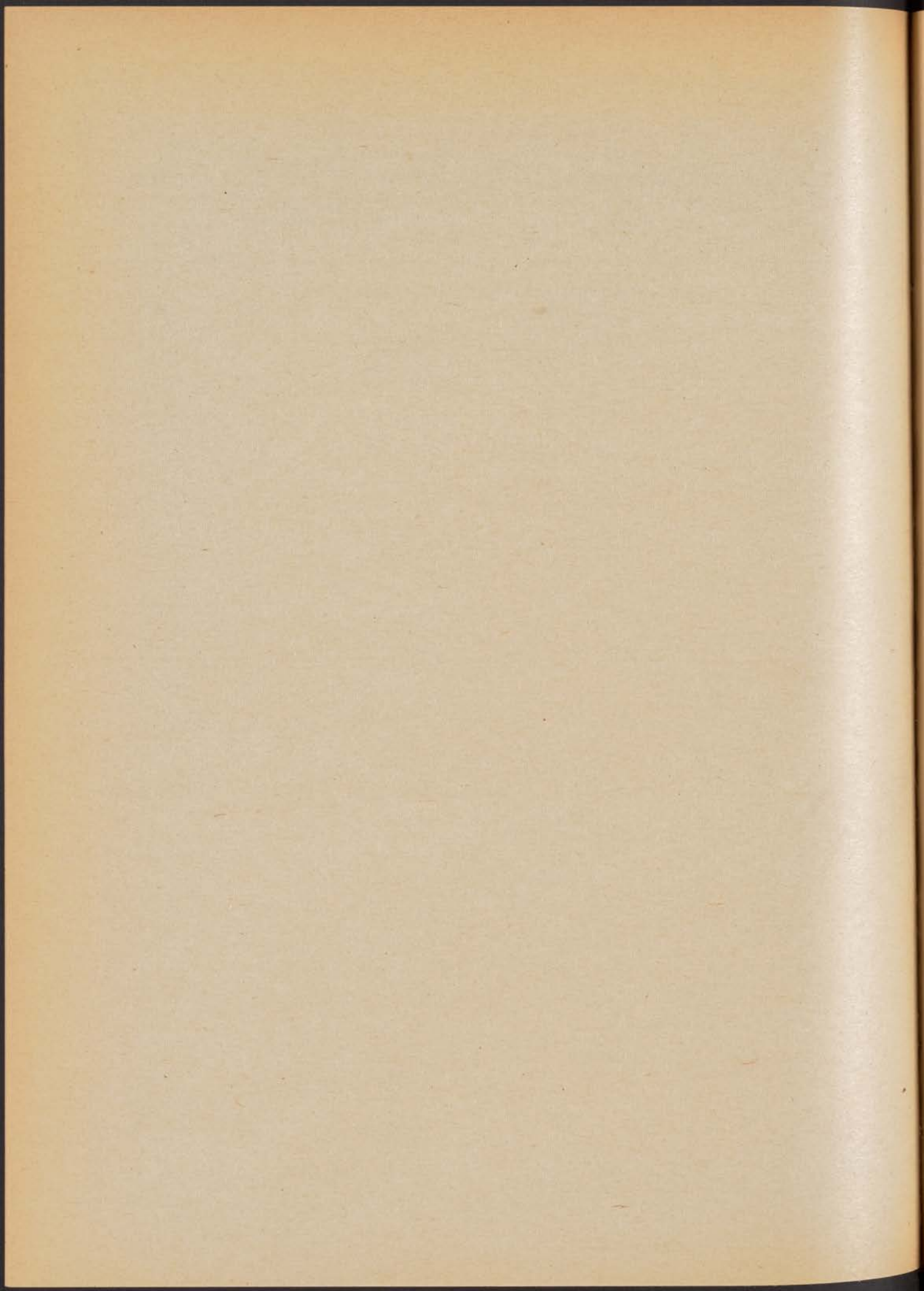
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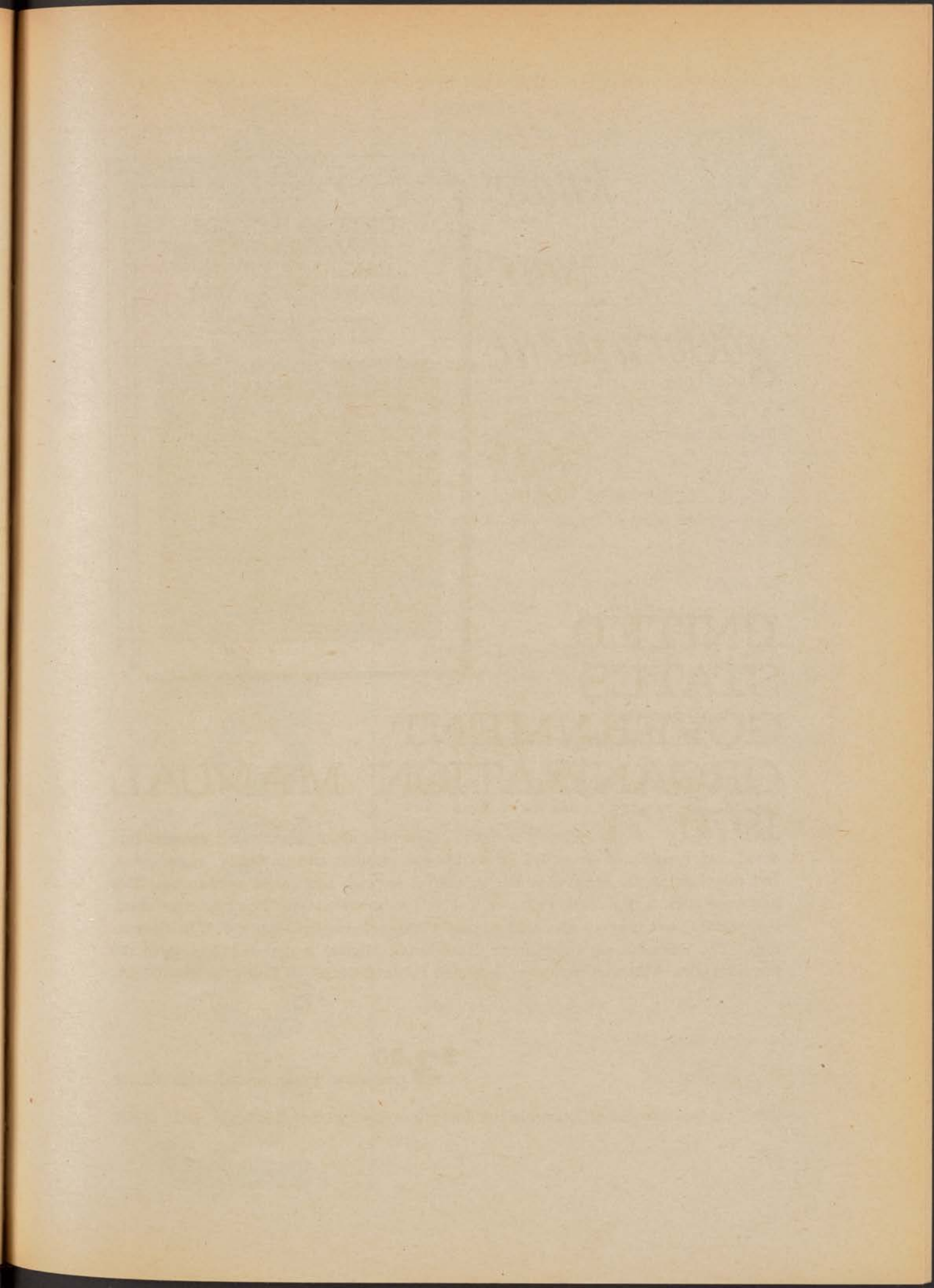
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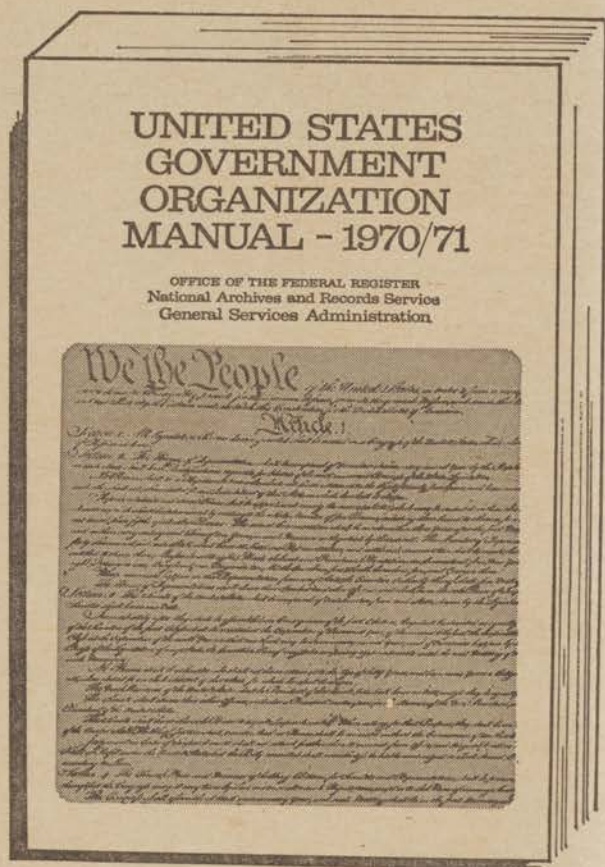


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