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List of CFR Parts Affected

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 358]

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

Limitation of Handling

§ 908.658 Valencia Orange Regulation 358.

(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 July 20, 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 July 23, 1971, through July 29, 1971, are hereby fixed as follows:

(i) District 1: 109,000 cartons;

(ii) District 2: 366,000 cartons;

(iii) District 3: Unlimited.

(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: July 21, 1971.

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

[FR Doc.71-10533 Filed 7-21-71;11:22 am]

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment

On July 7, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 12748) regarding proposed expenses and the related rate of assessment for the period April 1, 1971, through March 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in the State of Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 911.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1971, through March 31, 1972, will amount to $18,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.035 per bushel of limes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1971, and said rate of assessment will automatically apply to all such limes beginning with such date.

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

Dated: July 19, 1971.

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

[FR Doc.71-10411 Filed 7-21-71;8:51 am]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On July 8, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12863) regarding proposed expenses and the related rate of assessment for the period April 1, 1971, through March 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1971, through March 31, 1972, will amount to $3,774.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $1.50 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date thereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1971, and said rate of assessment will automatically apply to all such apricots beginning with such date.

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

Dated: July 19, 1971.

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

[FR Doc.71-10412 Filed 7-21-71;8:51 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO 226-A23]

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

Order Amending Order; Correction

The tentative order issued June 14, 1971 (36 F.R. 11655) and the order issued June 25, 1971 (36 F.R. 12276), are hereby corrected as follows:

In § 1125.122(g), the words "on or" should be deleted in the expression "on or before the first day of the month of transfer."

Signed at Washington, D.C., on July 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-10381 Filed 7-21-71;8:48 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 741—REQUIREMENTS FOR INSURANCE

Minimum Surety Bond Requirements

On page 11603 of the FEDERAL REGISTER of June 16, 1971, there was published a proposed revision of minimum surety bond requirements for federally insured credit unions. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision.

No comments have been received and the proposed revision of § 741.1 is hereby adopted without change, as set forth below.

Effective date. This revision shall be effective as of July 30, 1971.

HERMAN NICKERSON, JR.,
Administrator.

JULY 16, 1971.

§ 741.1 Minimum surety bond requirements.

Any credit union which makes application for insurance of its accounts pursuant to title II of the Federal Credit Union Act must possess the minimum surety bond coverage stated in § 701.20 of this chapter in order for its application for such insurance to be approved and for such insurance coverage to continue. A federally insured credit union whose surety bond coverage is terminated shall mail notice of such termination to the Federal Regional Director not less than thirty-five (35) days prior to the effective date of such termination.

[FR Doc.71-10373 Filed 7-21-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11237; Amdt. 766]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective August 19, 1971.

Minchumina, Alaska—Minchumina Airport; LFR-A, Amdt. 7; Revised.
Yakataga, Alaska—Yakataga Airport; LFR-A, Amdt. 12; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective August 19, 1971.

Decatur, Ala.—Pryor Field; VOR Runway 18, Amdt. 6; Revised.
Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); VOR Runway 21, Original; Established.
Kahului, Hawaii—Kahului Airport; VOR Runway 20, Amdt. 4; Revised.
North Bend, Oregon—North Bend Municipal Airport; VOR-1, Amdt. 5; Canceled.
North Bend, Oregon—North Bend Municipal Airport; VOR A, Original; Established.
Pell City, Ala.—St. Clair County Airport; VOR-A, Original; Established.
San Jose, Calif.—San Jose Municipal Airport; VOR A, Original; Established.
San Jose, Calif.—San Jose Municipal Airport; VOR Runways 12R/L, Amdt. 11; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR 30L/R, Amdt. 10; Canceled.
Talkeetna, Alaska—Talkeetna Airport; VOR Runway 36, Amdt. 4; Revised.
Tullahoma, Tenn.—William Northern Feld; VOR Runway 32, Original; Established.
Valdosta, Ga.—Valdosta Municipal Airport; VOR Runway 35, Amdt. 18; Revised.
Dillon, S.C.—Dillon County Airport; VOR/DME Runway 6, Original; Established.
Kahului, Hawaii—Kahului Airport; VORTAC Runway 20, Amdt. 2; Revised.
North Bend, Oreg.—North Bend Municipal Airport; VOR/DME Runway 4, Amdt. 4; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR/DME Runways 30L/R, Original; Established.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective August 19, 1971.

Gulfport, Miss.—Gulfport Municipal Airport; LOC Runway 13, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC BC Runway 12R, Amdt. 7; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC/DME Runway 30L, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective August 5, 1971.

Oklahoma City, Okla.—Will Rogers World Airport; LOC (BC) Runway 17L, Original; Established.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective August 19, 1971.

Athens (Albany), Ohio—Ohio University Airport; NDB Runway 24, Amdt. 1; Revised.
North Bend, Oreg.—North Bend Municipal Airport; NDB Runway 13, Amdt. 3; Revised.
Pittsfield, Mass.—Pittsfield Municipal Airport; NDB (ADF)-1, Amdt. 3; Canceled.
Pittsfield, Mass.—Pittsfield Municipal Airport; NDB Runway 26, Original; Established.
Savannah, Ga.—Savannah Municipal Airport; NDB Runway 9, Amdt. 12; Revised.
Talkeetna, Alaska—Talkeetna Airport; NDB-A, Amdt. 10; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective July 15, 1971.

Grand Junction, Colo.—Walker Field; NDB-1, Runway 11, Original; Established.

7. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective August 5, 1971.

Oklahoma City, Okla.—Will Rogers World Airport; NDB Runway 35R, Original; Established.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 5, 1971.

Oklahoma City, Okla.—Will Rogers World Airport; ILS Runway 35R, Original; Established.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective August 19, 1971.

Kahului, Hawaii—Kahului Airport; ILS Runway 2, Amdt. 7; Revised.
San Jose, Calif.—San Jose Municipal Airport; ILS Runway 30L, Amdt. 8; Revised.
Savannah, Ga.—Savannah Municipal Airport; ILS Runway 9, Amdt. 14; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective August 19, 1971.

Columbus, Ohio—Port Columbus International Airport; RADAR-1, Amdt. 11; Revised.
Klamath Falls, Oreg.—Kingsley Field; Radar 1, Amdt. 4; Canceled.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 14, 1971.

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-10295 Filed 7-21-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Dockets Nos. R-389, R-389A; Order 435]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Opinion and Order Establishing Initial Natural Gas Rates in the Rocky Mountain Area

JULY 15, 1971.

On June 17, 1970, the Commission issued a notice of proposed rule making in Docket No. R-389, 35 F.R. 10152, June 20, 1970, pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq., and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act,[1] initiating an investigation and proposing to issue rules fixing the terms and conditions under which it will issue permanent certificates for, and will otherwise regulate, new sales of natural gas subject to the Commission's jurisdiction in the Permian Basin area, under contracts dated after the date of issuance of such rules. Said notice provided for the submission of data, views and comments in writing and submitted under oath, from all interested parties, and additionally provided for a public hearing to be held in Midland, Tex., on July 29, 1970, at a fixed time and place, to afford any party who so desired to appear and express views in lieu of filing written comments.

Subsequently, on July 17, 1970, the Commission issued a notice of proposed rule making in Docket No. R-389A, 35 F.R. 11638, July 21, 1970, under the same statutory authority, expanding the scope of the investigation and proposed rule making set forth in the notice issued June 17, 1970, to include the issuance of rules fixing the terms and conditions under which it will issue permanent certificates for, and will otherwise regulate new sales of natural gas subject to the Commission's jurisdiction nationwide (except Alaska and Hawaii). In each of its notices, the Commission stated that the rates fixed as a result of these proceedings will be firm rates, not subject to refund obligation.

The Commission did not propose any specific rates, terms, and conditions in the notices, but stated that it would amend § 2.56 of the General Policy and Interpretations, rules of practice and procedure, 18 CFR 2.56, in accordance with its determinations based on the responses received in these proceedings.

[1] 52 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, and 717o.

In its notice instituting the proceedings the Commission called on all parties to submit three types of information (1) an estimate of the current nationwide cost of finding and producing nonassociated natural gas using the costing methods of Opinions Nos. 468 and 546; (2) rate of return and other factors discussed by the Supreme Court in Permian, 390 U.S. 747 (1968) and Austral Oil Co. v. F.P.C., 428 F. 2d 407 (CA5, 1970); (3) the weight to be given to contract prices, terms and inducements or commodity value, in considering producer rates and whether the market mechanism will protect consumer interests.[2]

In response to said notices, many parties filed notices of intention to respond in writing to the notices, or to appear to make an oral presentation at the hearings.

In accordance with directions of the Commission public hearings of record were held in Midland, New Orleans, Denver, Pittsburgh, Chicago, Los Angeles, New York and Boston. At the hearings numerous parties including representatives of natural gas companies, consumer groups, and public officials appeared to testify and to present evidence.

Additionally, data, views, and comments have been filed in response to the Commission's requests for information by parties representing producers, pipelines, distributors and consumers, and replies thereto were filed on or before October 1, 1970.[3]

PROCEDURAL ISSUES

Some parties argued in favor of the Commission's attempt to provide an expeditious solution of initial rates through a rulemaking proceeding in view of the years taken to complete the Permian and Southern Louisiana proceedings. Objection to the rulemaking procedure came

[2] The Commission appointed certain members of its staff to investigate intrastate sales in the several areas and to make reports of the results in composite form. Such reports were filed and made a matter of record on Aug. 14, 1970, and Sept. 9, 1970.

[3] On July 30, 1970, People Organized to Win Effective Regulation (POWER) filed a pleading in which it requested, among other things that the Commission suspend the proceedings. In an order issued Aug. 28, 1970, the Commission, inter alia, provided that POWER's requests as to suspension of the proceedings and reversion to normal unexpedited procedures would be considered a part of its original response. Thereafter, POWER filed an appeal from the Commission's order, and its initiation of these proceedings, in the Court of Appeals for the District of Columbia. On Dec. 2, 1970, the Court granted, without opinion, the Commission's motion to dismiss the appeal.

from Public Service Commission of New York (PSC), Municipal Distributors Group (MDG), the city of Chicago, the city of Denver, and POWER.

Certain of the parties have argued that the procedure being followed by the Commission herein is a denial of their right to cross-examination of the parties who presented testimony and evidence. The arguments are similar to those made, and which we considered when we issued Order No. 411, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, on October 2, 1970.

PSC and MDG cite Moss v. C.A.B., 430 F. 2d 891 (CADC, 1970), where the court held the Board acted improperly by setting forth in a suspension order what rates it would approve without a hearing and then, when the carriers filed such rates, by accepting them without suspension. PSC said the Commission should not "tamper" with the present rate ceilings until it has satisfied itself, on the basis of testimony that has been subjected to cross-examination, that the gas shortage problem would be solved by higher ceilings.

MDG argues that here was a "new type of ratemaking" in which "responses would be substituted for evidence, propaganda for reasoning and intuition for fiindings." Without cross-examination, MDG says, it will be difficult for those representing the consumer interests to have any effective part in these proceedings.

We think that one overriding consideration is relevant to the entire procedural discussion. This is not a case like Moss v. C.A.B., supra. In the present case the responses from citizens and groups, from pipelines, distributors, producers and state and local authorities show an almost unanimous belief that rates should be raised promptly so as to provide greater incentive for increased exploration, development and production of natural gas. All parties, including consumer groups, have participated in the many hearings held in various parts of the country, or have filed responses setting forth their views and data they consider relevant.

The city of Chicago supports the concept of area rates, but it believes, as a matter of principle, to set rates by rulemaking is a denial of procedural due process. (The Peoples Gas Light and Coke Co. and the Attorney General of the State of Illinois oppose Chicago's averment, particularly in view of the need of increased supplies of gas to meet its own new air pollution standards.)

It should be noted that no party argues that this proceeding is not clearly "rulemaking" within the meaning of the Administrative Procedure Act. As such, section 553 of the Act applies. Section 553 requires notice and the submission of written views, and, of course, this has been provided here. In our recent Order No. 411 in Docket No. R-371, issued October 2, 1970, establishing just and reasonable rates for the Appalachian and Illinois Basins we distinguished between the procedural requirements of sections 4 and 5 on the one hand and section 7 on the other. We pointed out that sections 4 and 5 do not become operative until some future time, subsequent to the commencement of service under a certificate, while under section 7 an applicant is under no duty to initiate service until, and unless it accepts the certificate. We further pointed out that the statutory requirements of section 7 even in proceedings where there is an adjudicatory hearing does not preclude the Commission from particularizing statutory standards through the rulemaking process as an adjunct to such hearings, and barring at the threshold those who neither measure up to them, nor show reason why the rule should be waived, citing F.P.C. v. Texaco, 377 U.S. 33, 39 (1964). In the Texaco case the Court upheld the Commission in rejecting without a "full blown" hearing a rate filing containing escalation clauses which the Commission by rulemaking had declared unacceptable.

We shall again state that as an administrative agency governed by Congressional mandate, we cannot take any action to fix the rates for the sale of natural gas, or take any other action relating to regulation, without affording due process to those affected, and without satisfying ourselves on all available evidence that the public interest, including the consumer interest in an adequate supply of natural gas, is protected. We have taken in these proceedings every step conceivable to see that each and every interested party has been afforded an opportunity to express his views in writing or orally upon a transcript of record, to receive copies of the written and oral views of others, and to be able to respond thereto.

We have pending merely broad conceptual demands for an adjudicatory-type hearing, with broadside requests for cross-examination. None of the requests contain the specificity or the clarity required for us to evaluate their merit. Nowhere, in the requests made, is there any specific proffer as to the particular subjects that may require oral hearings of the witnesses whose sworn testimony was received, what kind of facts those that request cross-examination propose to adduce, or by which of the witnesses they propose to adduce such facts. In fact, no mention is made in the requests of the particular lines of cross-examination that would be followed if a hearing were convened for that purpose. Nor was the allegation made that any specific evidence had to be cross-examined so that the party could prepare rebuttal testimony and evidence to the testimony and evidence introduced by any particular party.

Additionally, no party requesting a hearing or cross-examination stated that any evidence would be forthcoming therefrom to the contrary of what the evidence was introduced to show this Commission.

In view of the above facts, we find that each of such requests must be denied.

Some argue that here the Commission is not issuing a certificate under section 7, but is exerting its authority under section 16, cited by the Court in Texaco, which provides that the Commission shall have power to perform acts necessary or appropriate to carry out the provisions of the Gas Act. United Distribution Cos. (UDC) argue that section 16 does not require a hearing, and, therefore, section 556 of the APA, requiring a hearing, is not applicable to this proceeding. However, we do not believe it is necessary to reach that issue here, or to seek recourse of section 16 alone for statutory authority to follow the procedure we have employed herein, as stated in our Orders Nos. 411 and 411B issued October 2, and November 27, 1970, respectively. In those orders we established just and reasonable rates for the Appalachian basin and the Illinois basin areas, without an adjudicatory hearing, and no court review was sought by any party of our action. We find here, also, that the procedure followed in this case adequately satisfies the requirements of sections 4, 5, and 7 of the Natural Gas Act, and sections 553 and 556 of the APA.

Gas Supply

No party, not even those who aver an extensive adjudicatory hearing is here required by law, has denied the existence of a critical natural gas shortage. Many pipelines and distribution companies introduced testimony and evidence as to their difficulties in obtaining adequate supplies of gas. Generally, distributor companies aver that they are now facing a most serious situation with regard to their supply of natural gas. They state that their pipeline suppliers have been unable to obtain additional supplies of natural gas and are unable to provide adequate supplies to the distributors for 1971–72, and following years. Some distributors and pipelines allege that they are not only not accepting any new industrial customers, but are imposing restrictions on their existing customers. Furthermore, several have long waiting lists for new customers of all classes, including residential customers, that are seeking service for homes constructed to use gas as fuel.

The seriousness of the gas shortage is clearly set forth by the staff evidence which shows the total yearend proven reserves of gas increased through 1967, but in 1968 declined by 5,558 billion cubic feet, and in 1969 by 12,241 billion cubic feet, reaching 275,109 billion cubic feet.[1] While net production was 19,373 billion cubic feet in 1968 and 20,723 billion cubic feet in 1969, the highest ever, new supply dropped from 21,956 billion cubic feet in 1967 to 13,815 in 1968 and 8,482 in 1969. As the staff evidence shows, the decline in reserve additions in the face of increasing demands has resulted in a steady decline in the ratio of reserves to production (R/P ratio), from 22.1 in 1955 to 13.3 in 1969.

Adding to the problem is that the increase in demand for gas has been greater

[1] Figures include Alaska and are at 14.73 p.s.i.a. and 60° F.

than was anticipated. The staff shows that the total demand for natural gas has increased from about 10 trillion cubic feet in 1956 to about 21.4 trillion cubic feet in 1969.

Several of the parties emphasize the magnitude of the potential reserves that might be realized from greater incentive for exploration and development of new supplies. The staff evidence shows that according to the Potential Gas Committee Report of October 1969,[3] entitled Potential Supply of Natural Gas in the United States, potential gas reserves (including 432 trillion cubic feet in Alaska) totalled 1,227 trillion cubic feet in the probable, possible and speculative categories. The staff avers that this shows that the current supply shortage is not due to the depletion of the resource base.

However, the overwhelming evidence is that the difficulty is the lack of financial incentive to undertake drilling ventures in order to discover and develop these extensive reserves. The staff's evidence shows a declining trend in total exploratory and developmental wells drilled for hydrocarbons ranging downward from 45,524 in 1960 to 29,839 in 1969. It is obvious, therefore, that a substantial increase in the rate of discovery of new reserves is necessary.

We find, therefore, from all of the evidence before us that an acute shortage of natural gas supplies for the existing and future markets in this country does exist, and will continue to exist, if not worsen, in the foreseeable future. Action by this Commission is therefore desirable. We also find that this Commission must, in the discharge of its responsibility under the Natural Gas Act, create and afford a greater incentive for producers of natural gas, whether they be independent, integrated or pipeline producers, to seek and find added supplies of natural gas. We further find that sufficient evidence exists that there is available undiscovered natural gas reserves which if given the necessary incentive, can be found and produced to meet the present and future demands of the country.

Posture of the Proceeding

Since the initiation, and receipt of evidence in these rule making proceedings, the Commission has issued its Opinion No. 586 in the Area Rate Proceedings et al., Hugoton-Anadarko Area, Dockets Nos. AR64–1 et al., on September 18, 1970; Order No. 411, Area Rates For The Appalachian and Illinois Basin Areas, Docket No. R–371 issued October 7, 1970; Opinion No. 595, Area Rate Proceeding et al., on May 6, 1971, and the hearings in Area Rate Proceedings et al. (Southern Louisiana Area), Dockets Nos. AR61–2, et al. and AR69–1 have been concluded and those matters are now pending on brief before the Commission. There is also now pending before the Commission the Area Rate Proceeding (Other Southwest Area), Docket No. AR67–1. The Commission, on June 17, 1970, instituted a proceeding in Docket No. AR70–1, Permian Basin Area, commonly known as "Permian II."

Each of those proceedings concern the establishment of just and reasonable rates in their respective areas. Additionally, pursuant to paragraph 12, as contained in each of orders issued in these proceedings, hearings have been held concerning initial rates to be established in, inter alia, the Permian Basin area.

Consequently, the matter of immediate concern here is the establishment under the rulemaking proceedings in Dockets Nos. R–389 and R–389A of initial rates for the sales of natural gas in the Rocky Mountain Area. Dockets Nos. R–389 and R–389A shall remain in effect as to the other areas concerned therein.

Rocky Mountain Area

There are six FPC defined production areas within the Rocky Mountain region. These are defined as follows:

Aneth Field Area: Includes that part of San Juan County, Utah, lying within Township 39 through 43 South, Ranges 18 through 26 East and Township 38 South, Ranges 20 and 21 East;

San Juan Basin Area: Consists of San Juan Rio Arriba, McKinley, and Sandoval Counties, N. Mex.; and Montezuma, La Plata, Archuleta, Mineral, Hinsdale, San Juan, Dolores, San Miguel, Ouray, and Montrose Counties, Colo.;

Uinta-Green River Basin Area: Includes Carbon, Sweetwater, Sublette, Lincoln, and Uinta Counties, Wyo.; Summit, Daggett, Uintah, Duchesne, Wasatch, Carbon, Emery, and Grand Counties, Utah; and Mesa, Garfield, Rio Blanco, Moffat, and Routt Counties, Colo.;

Colorado-Julesburg Basin Area: Consists of the remaining Colorado counties; Albany, Platte, Laramie, and Goshen Counties, Wyo.; and Kimball, Cheyenne, Deuel, Garden, Morrill, Banner, Scotts Bluff, Sioux, Box Butte, Dawes, and Sheridan Counties, Nebr.;

Montana-Wyoming Area: Includes the remaining counties in Wyoming and Park, Sweet Grass, Stillwater, Carbon, Big Horn, Yellowstone, Treasure, Rosebud, and Powder River Counties, Mont.; and

Montana-Dakota Area: Consists of the entire State of North Dakota; Harding, Perkins, and Butte Counties, S. Dak.; and Glacier, Pondera, Teton, Cascade, Meagher, Wheatland, Golden Valley, Musselshell, Garfield, Custer, and Carter Counties, Mont., together with the remaining Montana counties lying north and east of the counties listed.[4]

The potentially productive portion of the Rocky Mountain area is composed of intermontane basins, wherein the oil and gas accumulations have been found in most of the basinal areas and the surrounding edges and shelf areas. Within the basins the accumulations may be found instructional traps or, more commonly, in stratigraphic traps. Shows of oil or gas have been recorded in strata of all geologic ages from Pre-Cambrian to Tertiary. Production is obtained from beds of Ordovician through Tertiary age. However, formations of Cretaceous age are the predominate producers of gas throughout the area. There is also Tertiary and Pre-Cretaceous (Pennsylvanian, Mississipian, and Devonian) gas production.

There was early petroleum activity in the Rocky Mountain area and the large oil fields of Rangely (Colorado), Salt Creek (Wyoming), and Elk Basin (Wyoming) were discovered in the years 1902, 1906, and 1915, respectively. The first major gas field discoveries were Cedar Creek, Mont., found in 1912 and Bowdoin, Mont., found in 1913. Despite the early discoveries, the Rocky Mountain area is the only onshore region of major potential with extensive areas still undrilled, excluding Alaska. It is estimated that less than 10 to 15 percent of the Rocky Mountain area has been explored.

Gas Production

The producing depths in the Rocky Mountain area vary from shallow to intermediate to deep. In the San Juan Basin, the producing depths vary from 1,000–4,000 ft. in the Pictured Cliffs sandstone, 4,000–6,000 ft. in the Mesaverde Group, and 6,000–8,000 ft. in the Dakota sandstone. The San Juan subarea also encompasses the eastern section of the Paradox Basin in which there is some production from Pennsylvania rock at 8,900 ft. The Aneth Field production is from 5,500–6,000 ft. In the Colorado-Julesburg subarea the principal production is from the Julesburg Basin at depths of 4,000–7,000 ft.

In the Uinta-Green River and the Montana-Wyoming subareas, the Green River, Wind River, and Big Horn Basins are the most important from the standpoint of future gas production. In all three basins there is shallow 1,650 to 3,500 feet production and deep 6,000 to 11,000 feet production. Generally, the older production is in the shallow range and the newer production is in the deeper range. In the Montana-Dakota subarea, gas-well gas production occurs in the north central part of Montana at depths of 1,300–3,300 feet. In south central Montana, the principal gas production is at depths of 4,000–5,000 feet, and in eastern Montana there is some gas production from shallow depths of up to 2,000 feet. The North Dakota petroleum potential is dominated by the Williston Basin. This is principally an oil bearing basin and gas produced is 99 percent casinghead gas.

During 1969, the Rocky Mountain gas reserves represented more than 6 percent of U.S. gas reserves, excluding

[3] Sponsored by the Mineral Resources Institute, Colorado School of Mines.

[4] The principal basins are as follows:

Production Area	Sedimentary Basins
San Juan	San Juan Basin and Eastern Edge of the Paradox Basin.
Uinta-Green River	Uinta and Piceance Basin, Green River Basin, Laramie-Hanna Basin (western portion).
Colorado-Julesburg	Denver or Julesburg Basin, Laramie-Hanna Basin (eastern portion).
Montana-Wyoming	Wind River Basin, Big Horn Basin, Powder River Basin.
Montana-Dakota	Williston Basin.
Aneth	Southern Edge of the Paradox Basin.

Alaska, based on American Gas Association data and more than 10 percent of the reserves dedicated to interstate pipelines based on FPC Form 15 data.[7] The Rocky Mountain production volumes accounted for between 5 and 6 percent of the national production volumes based upon data from both sources. Of the national jurisdictional sales to pipeline companies, about 5 percent were attributable to the Rocky Mountain producers.

INTERSTATE PIPELINE PURCHASES

Ten interstate pipelines purchase gas in the Rocky Mountain region.[8] Five of these companies are classified as pipeline-gatherers and five are classified as transmission pipelines. The pipeline-gatherers purchase gas from producers in localized areas and resell the gas to the transmission pipelines. The largest transmission purchaser during 1969 was El Paso (356 million Mcf), followed by Montana-Dakota Utilities (53.5 million Mcf), Mountain Fuel Supply (42.7 million Mcf), Colorado Interstate (42.5 million Mcf), and Kansas-Nebraska (29.5 million Mcf). Of the pipeline-gatherers, the largest purchaser was Southern Union which bought 52.2 million Mcf of gas during 1969.

During 1969 the 10 pipeline companies purchased 598 million Mcf. Most of the gas was purchased in the San Juan subarea (311.2 million Mcf), Uinta-Green River subarea (190.3 million Mcf) and the Montana-Wyoming subarea (59.4 million Mcf).

There are two purchasers of gas in the San Juan Basin subarea, El Paso and Southern Union Gathering, the latter reselling to the former all of the interstate gas it buys. There are six purchasers of gas in the Uinta-Green River subarea. Of these, the pipeline-gatherers, Cascade, Grand Valley, and Westran Industries resell all of the gas they buy to the transmission pipelines, Mountain Fuel, El Paso, and Colorado Interstate, respectively. In the Colorado-Julesberg subarea, there are three purchasers of gas: Baca, Colorado Interstate, Kansas-Nebraska, Baca, a pipeline-gatherer, purchases gas from the producers in the southeast corner of Colorado, transports such gas into Morton County, Kans., and there resells the gas to Panhandle-Eastern, Kansas-Nebraska, Montana-Dakota, and Colorado Interstate are the only purchasers in the Montana-Wyoming subarea. Montana-Dakota is the sole purchaser in the Montana-Dakota subarea and El Paso is the sole purchaser in the Aneth subarea.

Of the principal pipeline purchasers in the Rocky Mountain area, we note that in 1969, without future contract additions, Colorado Interstate had a gas supply deliverability life for its system of 5 years, El Paso had 6 years, and Montana Dakota had only a deliverability life of 4 years. Additionally we note that El Paso and Colorado Interstate each has firm deliverability requirements in excess of 85 percent of its total system requirements.

Thus, although we cannot now measure the exact quantity of increased supplies of natural gas each purchaser requires in the area, and it is not now possible to quantify how much of those requirements will be met by our action herein, the producers in this area should receive sufficient incentive by our action herein to increase the gas supplies available for the interstate market. It is therefore apparent that some appreciable relief will be afforded the major pipeline purchasers in the area in meeting the demands of their markets.

QUALITY AND DELIVERY CONDITIONS

Most of the gas production in the Rocky Mountain area is of the nonassociated type although the situation varies in the different subareas.

Water Content: The natural gas is generally delivered to the pipeline buyers in a saturated state unless processed in seller's plants or dehydrated in the field. Most of the gas must be dehydrated by the pipeline buyers before mainline transmission.

The majority of contracts in the Rocky Mountain subareas do not specify a maximum allowable water content. One exception is the Uinta-Green River subarea where some of the contracts specify a maximum water content ranging from 4 to 7 pounds per Mcf presumably involving the sale of high-pressure gas which must be dehydrated in field facilities before entering the buyer's line. There are a small number of contracts in each subarea covering the delivery of plant residue gas and these generally contain a maximum water limitation, the most common being 7 pounds per Mcf.

Inert Gases: Except for isolated instances, inert gases do not present a major problem in the Rocky Mountain area. Most of the gas produced in the Aneth subarea is sour and must be treated for the removal of hydrogen sulphide and carbon dioxide. Minor amounts of CO_2 occur in the remaining subareas but these appear to be within the tolerance levels specified by the producer contracts. Excessive quantities of H_2S occur in a few formations in the Colorado-Julesburg, Montana-Wyoming, and the Montana-Dakota subareas and the gas from such formations must be treated. There is some commercial sulphur extraction from natural gas in Wyoming and North Dakota. Excessive nitrogen is present in some of the natural gas produced in Montana and this results in a lower B.t.u. content. Helium occurs in some of the natural gas produced in the San Juan Basin and there is a helium extraction plant in that subarea.

Except for contracts in the Aneth subarea where the gas is sour, the great majority of contracts provide for maximum limits of total sulphur and hydrogen sulphide. In the San Juan subarea, the predominant limits are 5 grains of total sulphur and one-quarter grain of H_2S per 100 cu. ft. In the remaining subareas, the most common limits are 20 grains of total sulphur and 1 or one-quarter grain of H_2S per 100 cu. ft. The San Juan contracts also generally specify a maximum limit of 5 percent by volume of CO_2 but the vast majority of contracts in the remaining subareas do not specify a maximum limit for this substance. Many contracts in the Uinta-Green River subarea also provide for a maximum limit of 1 percent by volume of oxygen. Additionally, except for the San Juan Basin the majority of Rocky Mountain contracts contain conventional types of purity clauses. We find that any variance in the type of gas delivered in the different subareas has been adequately provided for by provisions in the existing contracts, and therefore, any resulting adjustments shall properly be made in accordance with the provisions of each particular contract.

Delivery Pressure: In the San Juan Basin, the Pictured Cliff gas is currently being delivered at 150 to 200 p.s.i.g. and the deeper Mesaverde and Dakota gas is being delivered at approximately 400 p.s.i.g. El Paso and Southern Union Gathering operate separate gathering systems in this subarea to accommodate the different pressures. Delivery pressures are generally low in the Colorado-Julesburg and the Montana-Dakota subareas (less than 200 p.s.i.g.). Much of the gas produced in these two subareas is casinghead gas which is low pressure

[7] In both the San Juan and the Uinta-Green River subareas, reserves dedicated to interstate pipelines, as reported in FPC Form 15, are substantially greater than the estimates of proved reserves reported by the AGA (as published in "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity as of December 31, 1969," American Gas Association, American Petroleum Institute, and Canadian Petroleum Association). This difference, which would be further accentuated if reserves held for intrastate sales and uncommitted reserves were added to the amounts reported in Form 15, merits explanation. The pipeline companies filing Form 15 are not limited in preparing reserve estimates to the definitions used by the AGA Committee on Natural Gas Reserves. The two estimates may be based upon differing technical and economic factors relating to such criteria as areal extent of productive zones, abandonment pressure, and other determinants of economic recovery. Because of geological conditions peculiar to San Juan Basin and the Uinta-Green River subareas of the Rocky Mountain Region—low permeability and therefore greater uncertainty as to ultimate recovery—the influence of judgment factors, on the part of the estimator, can play a greater part there than in other well-developed gas producing areas of the United States. The two sets of estimates have shown similar differences throughout the period since the initiation of Form 15 reports, as shown in Appendix A filed as part of the original document.

[8] Baca Gas Gathering System, Inc., Cascade Natural Gas Corp., Colorado Interstate Gas Co., El Paso Natural Gas Co., Grand Valley Transmission Co., Kansas-Nebraska Natural Gas Co., Montana-Dakota Utilities Co., Westran Industries, Inc., Southern Union Gathering Co., and Mountain Fuel Supply Co.

and the gas-well gas delivery pressure tends to be low because of shallow depths. In the Uinta-Green River subarea, gas is produced from deeper formations and therefore delivery pressures tend to be high (up to 900 p.s.i.g.). The same is true of the deeper formations which produce gas-well gas in the Montana-Wyoming subarea although casinghead gas is also produced in significant quantities in the subarea and it tends to be of low pressure.

B.t.u. Content: The heating value of gas sold to interstate pipelines in the Rocky Mountain area generally ranges between 1,050 and 1,100 B.t.u. per cu. ft. Based on the B.t.u. content reported in the gas purchase schedules of the pipeline Form 2 Reports for year 1967, the weighted average B.t.u. per cu. ft. was 1,061 in the Rocky Mountain area; 1,108 in the Aneth subarea; 1,064 in the San Juan subarea; 1,057 in the Uinta-Green River subarea; 1,058 in the Colorado-Julesburg subarea; 1,054 in the Montana-Wyoming subarea; and 1,036 in the Montana-Dakota subarea. The only relatively low average B.t.u. content for wellhead gas occurred in the Montana-Dakota subarea (952 B.t.u. per cut. ft.) although this was offset by large volumes of higher B.t.u. residue gas (1,039 B.t.u. per cu. ft.) derived from casinghead gas produced in the Williston Basin so that the weighted average for all gas was 1,036 B.t.u. per cu. ft.

The great majority of Rocky Mountain contracts specify a minimum B.t.u. content, and most also provide for a downward adjustment in price if the B.t.u. content drops below specified levels. However, they do not generally provide for upward B.t.u. adjustments.

We find that the ceiling rates established herein should generally be applicable to contracts which meet the customary and predominant quality and delivery conditions in the particular subarea. Appropriate ceiling rate discounts should apply to gas which does not meet the customary and predominant contractual standards.

Rate of Return

Only the staff and Texaco introduced testimony and evidence regarding the proper rate of return to be used in the computation of cost of production. The staff introduced cost evidence utilizing a 12 and a 13 percent rate of return. Staff's witness, Mr. John McGrath recommended that the Commission use the 13 percent rate.

The Texaco group presented costs of service utilizing 12 percent, 13 percent, and 16 percent rates of return. Texaco in an individual company presentation through its witness, Mr. Ezra Solomon, recommended the use of the 16 percent rate of return.[9] Humble adopted and endorsed the testimony and evidence of Mr. Solomon.

The evidence of witnesses McGrath and Solomon can be compared, but, in some respects, is difficult to reconcile. Witness McGrath said the rate of return he recommended was based on his consideration of the alternative investment opportunities open to producers and a return to the producer which in his opinion would equalize the risk of the producer with the risk of other industries. To this end, he proposed to use comparable earnings as a guide within the framework of the Bluefield and Hope cases.[10] By comparable earnings he meant not only the earnings of pure independent producers, but also of the large integrated producers as well as utilities and industrial companies. Witness Solomon differed with Mr. McGrath's capitalization and cost of debt. He testified that generally independent producers use no long-term debt for exploration and production operations.

Thus, there is a problem here in determining a proper capitalization and cost of debt for producing functions. Emphasis should logically be placed on the financing of the exploration and production functions rather than the diverse activities of integrated companies. While the captial of the integrated companies is enourmous compared with that of the nonintegrated producers, there is no way on this record to separate the financing of the integrated companies' various divisions.

In Permian (34 FPC at p. 102), Southern Louisiana (40 FPC at p. 579) and Texas Gulf Coast (Opinion No. 595, issued May 6, 1971——FPC——) decisions, we took note of the risk in the exploration for and the production of gas.

The evidence introduced in these proceedings is similar to, and in most respects identical with, the testimony and evidence we recently considered in Texas Gulf Coast (supra). We find that what we said regarding rate of return in that case is applicable here. Consequently, we find it proper to incorporate our discussion therein.

It appears, therefore, that a return on common equity of approximately 15 percent would be fully justified, and would reflect past history for companies confined to the producing function.

We find a rate of return of approximately 15 percent proper to be used in these proceedings. We recognize that this rate of return is not applied to a traditional net investment rate base calculated from the books of the producing companies for a particular test year but rather to an estimated rate base representing the average national investment of the producing industry. Therefore the level of the rate of return utilized is less significant than the magnitude of the calculated return component.

Costs

In accordance with the order of July 17, 1970, herein the staff, Texaco and a group of large producers (Texaco), California Distributors Group (CDG) and UDG each submitted evidence of the current, nationwide cost of finding and producing nonassociated natural gas.[11] On October 1, 1970, the parties filed answers and rebuttals to the cost evidence filed by others. We shall not discuss the cost presentations item by item.

We are confronted here with fixing rates for new gas only, i.e., for gas sold under contracts dated after June 17, 1970. What we said in Texas Gulf Coast regarding the absence of precision in analyzing the cost elements underlying our rate determinations is applicable here. The four studies that were presented are all based on national costs (as we requested) and with some variation, used the same data sources. The range of costs presented reflect differing methods of selectivity as to time periods, or methods of statistical analysis employed within such periods. The parties do not challenge the others' data, but disagree on the use of such data.

The parties here submitted an estimated nationwide cost of finding and producing nonassociated natural gas from 20.65 cents per Mcf to 31.63 cents per Mcf at 14.65 p.s.i.a. The disparity in cost is due to a differing methodology utilized by the parties, and a variance in the rate of return allowed.

It is to be noted that the cost estimate of 31.63 cents per Mcf presented by the producer group was an alternative only, and that their initial presentation was of a cost of 25.68 cents per Mcf. We have concluded that the initial principal presentation of the producer group is the more acceptable. Consequently, the cost range narrows to a difference from a low of 20.65 cents to 25.68 cents per Mcf at 14.65 p.s.i.a. (See table below).

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[9] Actually Witness Solomon recommended a rate of return in the range of 15.3 percent to 16.2 percent.

[10] Bluefield Water Works Improvement Co. v. Public Service Com., 262 U.S. 679 (1923) and F.P.C. v. Hope Natural Gas Company, 320 U.S. 591 (1944).

[11] Associated Gas Distributors joined in the preparation and presentation of the CDG cost submittal.

ESTIMATED CURRENT, NATIONWIDE COST OF FINDING AND PRODUCING NONASSOCIATED NATURAL GAS PRESENTED IN DOCKETS NOS. R-389 AND R-389A

(Cents per Mcf at 14.65 p.s.i.a.)

Line No.	Items	Staff [1]	Texaco et al. (producers) range [2]		California distributor group [3]	United distribution companies [4]
			Low	High		
1	Successful well costs	3.95	4.26	4.98	3.94	3.92
2	Other production facilities	0.49	0.98	1.15	0.68	0.68
3	Lease acquisition costs	1.65	1.77	2.48	1.23	1.37
4	Return on foregoing investment [5]	7.92	9.11	12.31	7.72	7.88
5	Dry holes	2.63	1.89	2.14	1.98	2.21
6	Other exploratory costs	2.11	2.22	2.00	1.59	2.03
7	Adjustment for exploration in excess of production [6]	0.95	1.49	1.53	1.32	1.56
8	Production operating expense	2.70	2.90	3.00	2.84	2.70
9	Return on working capital [7]	0.56	0.57	0.71	0.41	0.45
10	Net liquid credit	(3.90)	(3.68)	(3.88)	(4.05)	(5.16)
11	Regulatory expense	0.14	0.15	0.15	0.15	0.15
12	Subtotal	19.20	21.57	26.57	17.81	17.76
13	Royalty [8]	3.13	4.11	5.06	2.90	2.89
14	Total	22.33	25.68	31.63	20.71	20.65

[1] Adjusted presentation.
[2] Response presentation.
[3] Staff and producers at 13 percent; CDG and UDC at 12 percent, although indicating that a higher rate of return is warranted. Variable costs were computed at a 15 percent rate of return.
[4] Staff reflects 20 percent, all other reflect 37 percent of dry hole costs and other exploratory costs.
[5] Staff, CDG, and UDC at 14 percent, Producers recommended at 16 percent.

RATES FOR CONTRACTS DATED AFTER JUNE 17, 1970

The rates we set here should have a stability for the forseeable future, and accordingly will be firm rates, not subject to refund, pending only the establishment of just and reasonable rates for the future. We have noted from the report filed by our investigating officers in these proceedings, on September 9, 1970, that the weighted average intrastate prices for gas in the Rocky Mountain Area have risen from 15.10 cents to 18.05 cents per Mcf during the period 1966 to 1970. Thus, we are faced here too with an upward trend in prices offered by intrastate buyers. This is merely one more economic factor we must consider.

After careful consideration of all of the foregoing we find that § 2.56, *Area price levels for natural gas sales by independent producers*, in Part 2—General Policy and Interpretations, Chapter I, Title 18 of the Code of Federal Regulations, should be amended so that Table No. 1 thereof shall provide for the following rates at which the Commission will issue permanent certificates, without refund obligation, for new sales of natural gas under contracts dated after June 17, 1970:

Rocky Mountain Area: [10]	*Rates in cents per Mcf at 15.025 p.s.i.a.*
Aneth Field	22.50
San Juan	24.00
Uinta-Green River	23.75
Colorado-Julesburg Basin	23.50
Montana-Wyoming	22.75
Montana-Dakota	23.50

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing of data, views, comments, and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefore as prescribed in section 553, Title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of paragraph (a) of § 2.56, Part 2—General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) The rule making proceedings in Dockets Nos. R-389 and R-389A should remain in effect except as to those matters relating to the sales of natural gas in the Rocky Mountain Area with which we are herein concerned.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717o) *orders:*

(A) Effective upon the issuance of this order, paragraph (a) of § 2.56, Part 2—General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding the following paragraph thereto:

§ 2.56 Area price levels for natural gas sales by independent producers.

(a) * * *

The initial rates at which sales of natural gas in the Rocky Mountain Area are to be certificated, without refund obligation, for sales made under contracts dated after June 17, 1970, are set forth in Table No. 1 and, subject to the additional requirements, restrictions, and authorizations provided in the orders issuing such certificates represent the area rate levels for the areas involved until such time as the Commission shall promulgate just and reasonable rates in said area.

(B) Table No. 1 referred to in paragraph (a) of § 2.56 amended to show the following applicable initial rates, without refund liability, for the Rocky Mountain Area:

	Rates in cents per Mcf at 15.025 p.s.i.a. [1]
Aneth Field	22.50
San Juan	24.00
Uinta-Green River	23.75
Colorado-Julesburg Basin	23.50
Montana-Wyoming	22.75
Montana-Dakota	23.50

[1] The rates reflect the result of approximate and average severance and production tax adjustments.

(C) Except insofar as this opinion and order pertains to the Rocky Mountain Area the proceeding in Dockets Nos. R-389 and R-389A are not affected thereby.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-10313 Filed 7-21-71;8:45 am]

[10] The rates reflect the result of approximate and average severance and production tax adjustments.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5907o]

PART 13—PROHIBITED TRADE PRACTICES

La Salle Extension University

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or services:* 13.170-35 Educational, informative, training. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, La Salle Extension University, Chicago, Ill., Docket No. 5907, June 24, 1971]

In the Matter of La Salle Extension University, a corporation

Order modifying an earlier order dated June 29, 1954, 50 F.T.C. 1083, which prohibited a correspondence school offering law courses from misrepresenting that students would be admitted to take bar examinations, by requiring the respondent to disclose in its advertising that its courses alone will not qualify a student for a bar examination.

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

It is ordered, That respondent, La Salle Extension University, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission

Act, of courses of study and instruction, do forthwith cease and desist from failing, in connection with advertisements or promotion of respondent's courses of study in law or of its law degrees, clearly and conspicuously to disclose, in type the same size and appearance as the advertising claims appearing thereon: (a) in any advertisement or written offer to sell; (b) on the front page or cover of promotional material or descriptive brochure wherein respondent's law courses or law degrees are mentioned and in said promotional material or descriptive brochure on each page on which respondent's law courses or law degrees are mentioned; (c) in each enrollment form, application form, sales contract, or similar document; that said courses are not recognized or accepted as sufficient education or legal training to qualify the student to become a candidate for admission to the profession of law in any of the States in the United States or the District of Columbia: *Provided*, That respondent may qualify such disclosure by listing the State or States which will accept said courses; and: *Provided further*, That, if the State or States listed have any additional age, education, preliminary testing, or other legal training requirements, respondent clearly and conspicuously and in immediate conjunction with such list disclose, in type the same size and appearance as the advertising claims appearing thereon, all such additional requirements.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the nature and form of its compliance with this order.

Issued: June 24, 1971.

By the Commission.[1]

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

[FR Doc.71-10379 Filed 7-21-71;8:48 am]

[Docket No. 8810o]

PART 13—PROHIBITED TRADE PRACTICES

Zale Corp. and Corrigan-Republic, Inc.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.-1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Zale Corp. et al., Dallas, Tex., Docket No. 8810, June 10, 1971]

In the Matter of Zale Corporation and Corrigan-Republic, Inc., Corporations

Order requiring a Dallas, Tex., seller and distributor of jewelry and other merchandise through numerous retail stores to cease violating the Truth in Lending Act by failing to use on its installment contracts the terms "dollars finance charge per $100 of unpaid balance," "annual percentage rate," "finance charge," "cash downpayment," "unpaid balance of cash price," failing to use the terms "payments" and "new balance" where required, and failing to make other disclosures required by Regulation Z of said Act.

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

It is ordered, That respondents Zale Corp., a corporation, and Corrigan-Republic, Inc., a corporation, and their officers, and respondents' agents, representatives and employees, directly or through any corporate, subsidiary, division or other device, in connection with any consumer credit sale of jewelry or any other merchandise or service, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "dollars finance charge per $100 of unpaid balance," "annual percentage rate," and "finance charge," where required by Regulation Z to be used, more conspicuously than other terminology required by Regulation Z of the Truth in Lending Act.

2. Including the amount of the finance charge in the computation of the amount financed.

3. Failing to include the charge for credit life insurance, when not required to be placed within the finance charge, within the amount financed.

4. Determining the annual percentage rate or the dollars finance charge per year per $100 of unpaid balance in any manner other than that provided in § 226.5 of Regulation Z of the Truth in Lending Act.

5. Failing to employ the term "cash downpayment" to describe the downpayment in money, as required by § 226.8 (c)(2) of Regulation Z of the Truth in Lending Act.

6. Failing to employ the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8 (c)(3) of Regulation Z of the Truth in Lending Act.

7. Failing to treat an increase of an existing obligation as a new transaction subject to the disclosure requirements of Regulation Z, as required by § 226.8(j) of Regulation Z of the Truth in Lending Act.

8. Failing to make a clear identification of the property to which a security interest relates, as required by § 226.8 (b)(5) of Regulation Z of the Truth in Lending Act.

9. Failing to make an adequate identification of the method of computing the unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z of the Truth in Lending Act.

10. Failing to disclose the required notice on both sides of the document in language conforming to that contained in § 226.801 of Regulation Z of the Truth in Lending Act.

11. Failing to print installment contracts and any other consumer credit instruments both on the face and reverse side clearly, conspicuously, and in meaningful sequence both as to form and substance.

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

13. Failing to disclose each periodic rate that may be used to compute the finance charge (whether or not applied during the billing cycle), using the term "periodic rate" (or "rates"), as required by § 226.7(b)(5) of Regulation Z of the Truth in Lending Act.

14. Failing to disclose the term "new balance" to describe the outstanding balance in the account on the closing date of the billing cycle, as required by § 226.7(b)(9) of Regulation Z of the Truth in Lending Act.

15. Failing to employ a statement, accompanying the term "new balance", indicating the date by which, or period, if any, within which payment must be made to avoid additional finance charges, as required by § 226.7(b)(9) of Regulation Z of the Truth in Lending Act.

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

It is further ordered, That the respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future store managers or other persons engaged in the completion of credit agreements growing out of the sale of respondents' products or services, and shall secure from each such manager or other person a signed statement acknowledging receipt of said order.

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

[1] Opinion of the Commission by Commissioner Dixon and separate opinions by Chairman Kirkpatrick and Commissioner Jones filed as part of the original document.

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

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

By "Final Order" the initial decision of the hearing examiner is adopted as the decision of the Commission as follows:

It is ordered, That the initial decision of the hearing examiner, modified to the extent necessary to conform to the views expressed in the accompanying opinion,[1] be, and hereby is, adopted as the decision of the Commission.

Issued: June 10, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-10380 Filed 7-21-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

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

Piperonyl Butoxide and Pyrethrins

A notice was published in the FEDERAL REGISTER of April 6, 1971 (36 F.R. 6523), proposing tolerances for residues of the insecticides piperonyl butoxide at 0.25 part per million and pyrethrins at 0.05 part per million in or on stored raw potatoes from postharvest application of the insecticides. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted. Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Therefore, pursuant to 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 Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended:

1. In § 420.127, by adding a new paragraph "0.25 part per million * * *", as follows:

§ 420.127 Piperonyl butoxide; tolerances for residues.

* * * * *

0.25 part per million in or on potatoes from postharvest application.

2. In § 420.128, by adding a new paragraph "0.05 part per million * * *", as follows:

§ 420.128 Pyrethrins; tolerances for residues.

* * * * *

0.05 part per million in or on potatoes from 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 (7-22-71).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: July 12, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-10395 Filed 7-21-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7134]

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

Integration of Qualified Plans With Social Security Act

On May 18, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 401 of the Internal Revenue Code of 1954 (relating to integration of qualified plans with Social Security Act) was published in the FEDERAL REGISTER (36 F.R. 9024). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: July 16, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 401 of the Internal Revenue Code of 1954 to reflect the Social Security Amendments of 1969 (title X, Public Law 91-172, 83 Stat. 737) and the Social Security Amendments of 1971 (title II, Public Law 92-5, 85 Stat. 6), such regulations are amended as follows:

Paragraph (e) of § 1.401-3 is amended by revising subparagraph (1), by revising subdivisions (i), (ii), (iv), and (v) of subparagraph (2), and by adding a new (c) at the end of subdivision (iii) of subparagraph (2). These revised and added provisions read as follows:

§ 1.401-3 Requirements as to coverage.

* * * * *

(e)(1) Section 401(a)(5) contains a provision to the effect that a classification shall not be considered discriminatory within the meaning of section 401(a)(3)(B) merely because all employees whose entire annual remuneration constitutes "wages" under section 3121(a)(1) (for purposes of the Federal Insurance Contributions Act, chapter 21 of the Code) are excluded from the plan. A reference to section 3121(a)(1) for years after 1954 shall be deemed a reference to section 1426(a)(1) of the Internal Revenue Code of 1939 for years before 1955. This provision, in conjunction with section 401(a)(3)(B), is intended to permit the qualification of plans which supplement the old-age, survivors, and disability insurance benefits under the Social Security Act (42 U.S.C. ch. 7). Thus, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a)(1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from wages under section 3121(a)(1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in making his determination with respect to discrimination in classification under section 401(a)(3)(B), the Commissioner will consider whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated

[1] Copies of the opinion may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW.

retirement system satisfying the tests of section 401(a). If, therefore, a classification of employees under a plan results in relatively or proportionately greater benefits for employees earning above any specified salary amount or rate than for those below any such salary amount or rate, it may be found to be discriminatory within the meaning of section 401 (a)(3)(B). If, however, the relative or proportionate differences in benefits which result from such classification are approximately offset by the old-age, survivors, and disability insurance benefits which are provided by the Social Security Act and which are not attributable to employee contributions under the Federal Insurance Contributions Act, the plan will be considered to be properly integrated with the Social Security Act and will, therefore, not be considered discriminatory.

(2)(i) For purposes of determining whether a plan is properly integrated with the Social Security Act, the amount of old-age, survivors, and disability insurance benefits which may be considered as attributable to employer contributions under the Federal Insurance Contributions Act is computed on the basis of the following:

(*a*) The rate at which the maximum monthly old-age insurance benefit is provided under the Social Security Act is considered to be the average of (*1*) the rate at which the maximum benefit currently payable under the Act (i.e., in 1971) is provided to an employee retiring at age 65, and (*2*) the rate at which the maximum benefit ultimately payable under the Act (i.e., in 2010) is provided to an employee retiring at age 65. The resulting figure is 43 percent of the average monthly wage on which such benefit is computed.

(*b*) The total old-age, survivors, and disability insurance benefits with respect to an employee is considered to be 162 percent of the employee's old-age insurance benefits. The resulting figure is 70 percent of the average monthly wage on which it is computed.

(*c*) In view of the fact that social security benefits are funded through equal contributions by the employer and employee, 50 percent of such benefits is considered attributable to employer contributions. The resulting figure is 35 percent of the average monthly wage on which the benefit is computed.

Under these assumptions, the maximum old-age, survivors, and disability insurance benefits which may be attributed to employer contributions under the Federal Insurance Contributions Act is an amount equal to 35 percent of the earnings on which they are computed. These computations take into account all amendments to the Society Security Act through the Social Security Amendments of 1971 (85 Stat. 6). It is recognized, however, that subsequent amendments to this Act may increase the percentages described in (*a*) or (*b*) of this subdivision (i), or both. If this occurs, the method used in this subparagraph for determining the integration formula may result in a figure under (*c*) of this subdivision (i) which is greater than 35 percent and a plan could be amended to adopt such greater figure in its benefit formula. In order to minimize future plan amendments of this nature, an employer may anticipate future changes in the Social Security Act by immediately utilizing such a higher figure, but not in excess of 37½ percent, in developing its benefit formula.

(ii) Under the rules provided in this subparagraph, a classification of employees under a noncontributory pension or annuity plan which limits coverage to employees whose compensation exceeds the applicable integration level under the plan will not be considered discriminatory within the meaning of section 401 (a)(3)(B), where:

(*a*) The integration level applicable to an employee is his covered compensation, or is (*1*) in the case of an active employee, a stated dollar amount uniformly applicable to all active employees which is not greater than the covered compensation of any active employee, and (*2*) in the case of a retired employee, an amount which is not greater than his covered compensation. (For rules relating to determination of an employee's covered compensation, see subdivision (iv) of this subparagraph.)

(*b*) The rate at which normal annual retirement benefits are provided for any employee with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 37½ percent.

(*c*) Average annual compensation is defined to mean the average annual compensation over the highest 5 consecutive years.

(*d*) There are no benefits payable in case of death before retirement.

(*e*) The normal form of retirement benefits is a straight life annuity, and if there are optional forms, the benefit payments under each optional form are actuarially equivalent to benefit payments under the normal form.

(*f*) In the case of any employee who reaches normal retirement age before completion of 15 years of service with the employer, the rate at which normal annual retirement benefits are provided for him with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 2½ percent for each year of service.

(*g*) Normal retirement age is not lower than age 65.

(*h*) Benefits payable in case of retirement or any other severance of employment before normal retirement age cannot exceed the actuarial equivalent of the maximum normal retirement benefits, which might be provided in accordance with (*a*) through (*g*) of this subdivision (ii), multiplied by a fraction, the numerator of which is the actual number of years of service of the employee at retirement or severance, and the denominator of which is the total number of years of service he would have had if he had remained in service until normal retirement age. A special disabled life mortality table shall not be used in determining the actuarial equivalent in the case of severance due to disability.

(iii) * * *

(*c*) If a plan was properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making], notwithstanding the fact that such plan does not satisfy the requirements of subdivision (ii) of this subparagraph, it will continue to be considered properly integrated with such benefits until January 1, 1972.

(iv) For purposes of this subparagraph, an employee's covered compensation is the amount of compensation with respect to which old-age insurance benefits would be provided for him under the Social Security Act (as in effect at any uniformly applicable date occurring before the employee's separation from the service) if for each year until he attains age 65 his annual compensation is at least equal to the maximum amount of earnings subject to tax in each such year under the Federal Insurance Contributions Act. A plan may provide that an employee's covered compensation is the amount determined under the preceding sentence rounded to the nearest whole multiple of a stated dollar amount which does not exceed $600.

(v) In the case of an integrated plan providing benefits different from those described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under the terms of which the employees contribute, or providing a combination of any of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph. Similar principles will govern in determining whether a plan is properly integrated if participation therein is limited to employees earning in excess of amounts other than those specified in subdivision (iv) of this subparagraph, or if it bases benefits or contributions on compensation in excess of such amounts, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age, survivors, and disability insurance benefits. Similar principles will govern in determining whether a profit-sharing or stock bonus plan is properly integrated with the Social Security Act.

[FR Doc.71-10408 Filed 7-21-71;8:51 am]

[T.D. 7133]

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

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Addition to Tax for Failure to Pay Tax

On October 21, 1970, a notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) and the Procedure and Administration Regulations (26 CFR Part 301) was published in the FEDERAL REGISTER (35 F.R. 16408). The notice of proposed rule making conformed the regulations to sections 6081, 6161, 6651, and 6656 of the Internal Revenue Code of 1954, as amended by section 943 of the Tax Reform Act of 1969. The amendments to these sections relate to the penalty for failure to pay. The amendment is hereby adopted subject to the following changes:

Paragraph (a)(1), paragraph (c)(1), and example (2) of paragraph (f) of § 301.6651–1, as set forth in paragraph 4 of the appendix to the notice of proposed rule making are revised to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: July 13, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1), and the Regulations on Procedure and Administration (26 CFR Part 301), to the amendments of the Internal Revenue Code made by section 943 of the Tax Reform Act of 1969 (83 Stat. 727), such regulations are amended as follows:

INCOME TAX REGULATIONS

PARAGRAPH 1. Section 1.6081–1 is amended by revising paragraph (a) to read as follows:

§ 1.6081–1 Extension of time for filing returns.

(a) *In general.* District directors and directors of service centers are authorized to grant a reasonable extension of time for filing any return, declaration, statement, or other document which relates to any tax imposed by subtitle A of the Code and which is required under the provisions of subtitle A or F of the Code or the regulations thereunder. However, except in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months. An extension of time for filing an income tax return shall operate to extend the time for the payment of the tax or any installment thereof unless specified to the contrary in the extension. For extension of time for filing of declarations of estimated tax, see §§ 1.6073–4 and 1.6074–3. For rules relating to extension of time for paying tax, see § 1.6161–1.

* * * * *

PAR. 2. Section 1.6161–1 is amended by revising subparagraph (3) of paragraph (a) to read as follows:

§ 1.6161–1 Extension of time for paying tax or deficiency.

(a) *In general.* * * *

(3) *Extension of time for filing distinguished.* The granting of an extension of time for filing a return shall operate to extend the time for the payment of the tax unless specified to the contrary in the extension.

* * * * *

REGULATIONS ON PROCEDURE AND ADMINISTRATION

PAR. 3. Section 301.6651 is amended by revising section 6651 and by adding a historical note. The revised and added provisions read as follows:

§ 301.6651 Statutory provisions; failure to file tax return or to pay tax.

Sec. 6651. *Failure to file tax return or to pay tax*—(a) *Addition to the tax.* In case of failure—

(1) To file any return required under authority of subchapter A of chapter 61 (other than part III thereof), subchapter A of chapter 51 (relating to distilled spirits, wines, and beer), or of subchapter A of chapter 52 (relating to tobacco, cigars, cigarettes, and cigarette papers and tubes), or of subchapter A of chapter 53 (relating to machine guns and certain other firearms), on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return 5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate;

(2) To pay the amount shown as tax on any return specified in paragraph (1) on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount shown as tax on such return 0.5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate; or

(3) To pay any amount in respect of any tax required to be shown on a return specified in paragraph (1) which is not so shown (including an assessment made pursuant to section 6213(b)) within 10 days of the date of the notice and demand therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount of tax stated in such notice and demand 0.5 percent of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which such failure continues, not exceeding 25 percent in the aggregate.

(b) *Penalty imposed on net amount due.* For purposes of—

(1) Subsection (a)(1), the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return,

(2) Subsection (a)(2), the amount of tax shown on the return shall, for purposes of computing the addition for any month, be reduced by the amount of any part of the tax which is paid on or before the beginning of such month and by the amount of any credit against the tax which may be claimed on the return, and

(3) Subsection (a)(3), the amount of tax stated in the notice and demand shall, for the purpose of computing the addition for any month, be reduced by the amount of any part of the tax which is paid before the beginning of such month.

(c) *Limitations and special rule*—(1) *Additions under more than one paragraph.* (A) With respect to any return, the amount of the addition under paragraph (1) of subsection (a) shall be reduced by the amount of the addition under paragraph (2) of subsection (a) for any month to which an addition to tax applies under both paragraphs (1) and (2).

(B) With respect to any return, the maximum amount of the addition permitted under paragraph (3) of subsection (a) shall be reduced by the amount of the addition under paragraph (1) of subsection (a) which is attributable to the tax for which the notice and demand is made and which is not paid within 10 days of notice and demand.

(2) *Amount of tax shown more than amount required to be shown.* If the amount required to be shown as tax on a return is less than the amount shown as tax on such return, subsections (a)(2) and (b)(2) shall be applied by substituting such lower amount.

(d) *Exception for declarations of estimated tax.* This section shall not apply to any failure to file a declaration of estimated tax required by section 6015 or to pay any estimated tax required to be paid by section 6153 or 6154.

(Sec. 6651 as amended by sec. 103(a)(4), Revenue and Expenditure Control Act, 1968 (68A Stat. 740); sec. 943(a), Tax Reform Act, 1969 (83 Stat. 727))

PAR. 4. Section 301.6651–1 is amended to read as follows:

§ 301.6651–1 Failure to file tax return or to pay tax.

(a) *Addition to the tax*—(1) *Failure to file tax return.* In case of failure to file a return required under authority of—

(i) Subchapter A, chapter 61 of the Code, relating to returns and records (other than sections 6015 and 6016, relating to declarations of estimated tax, and part III thereof, relating to information returns);

(ii) Subchapter A, chapter 51 of the Code, relating to distilled spirits, wines, and beer;

(iii) Subchapter A, chapter 52 of the Code, relating to cigars, cigarettes, and cigarette papers and tubes; or

(iv) Subchapter A, chapter 53 of the Code, relating to machine guns, destructive devices, and certain other firearms; and

The regulations thereunder, on or before the date prescribed for filing (determined with regard to any extension of time for such filing), there shall be added to the tax required to be shown on the return the amount specified below unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director or the director of the service center to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent thereof if the failure is for not more than 1 month, with an additional 5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate. The amount of any addition under this subparagraph shall be reduced by the amount of the addition under subparagraph (2) of this paragraph for any month to which an addition to tax applies under both subparagraphs (1) and (2) of this paragraph.

(2) *Failure to pay tax shown on return.* In case of failure to pay the amount shown as tax on any return (required to be filed after December 31, 1969, without regard to any extension of time for filing thereof) specified in subparagraph (1) of this paragraph on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), there shall be added to the tax shown on the return the amount specified below unless the failure to pay the tax within the prescribed time is shown to the satisfaction of the district director, or, as provided in paragraph (a) of this section, the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms), the director of the service center, to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 0.5 percent of the amount of tax shown on the return if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate.

(3) *Failure to pay tax not shown on return.* In case of failure to pay any amount in respect of any tax required to be shown on a return specified in subparagraph (1) of this paragraph which is not so shown (including an assessment made pursuant to section 6213(b)) within 10 days from the date of the notice and demand therefor (if such notice and demand is made after December 31, 1969), there shall be added to the amount stated in the notice and demand the amount specified below unless the failure to pay the tax within the prescribed time is shown to the satisfaction of the district director or the director of the service center to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 0.5 percent of the amount stated in the notice and demand if the failure is for not more than 1 month, with an additional 0.5 percent for each additional month or fraction thereof during which the failure continues, but not to exceed 25 percent in the aggregate. The maximum amount of the addition permitted under this subparagraph shall be reduced by the amount of the addition under subparagraph (1) of this paragraph which is attributable to the tax for which the notice and demand is made and which is not paid within 10 days from the date of notice and demand.

(b) *Month defined.* (1) If the date prescribed for filing the return or paying tax is the last day of a calendar month, each succeeding calendar month or fraction thereof during which the failure to file or pay tax continues shall constitute a month for purposes of section 6651.

(2) If the date prescribed for filing the return or paying tax is a date other than the last day of a calendar month, the period which terminates with the date numerically corresponding thereto in the succeeding calendar month and each such successive period shall constitute a month for purposes of section 6651. If, in the month of February, there is no date corresponding to the date prescribed for filing the return or paying tax, the period from such date in January through the last day of February shall constitute a month for purposes of section 6651. Thus, if a return is due on January 30, the first month shall end on February 28 (or 29 if a leap year), and the succeeding months shall end on March 30, April 30, etc.

(3) If a return is not timely filed or tax is not timely paid, the fact that the date prescribed for filing the return or paying tax, or the corresponding date in any succeeding calendar month, falls on a Saturday, Sunday, or a legal holiday is immaterial in determining the number of months for which the addition to the tax under section 6651 applies.

(c) *Showing of reasonable cause*—(1) A taxpayer who wishes to avoid the addition to the tax for failure to file a tax return or pay tax must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return or pay such tax on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director or the director of the service center with whom the return is required to be filed; provided, that, where special tax returns of liquor dealers are delivered to an internal revenue officer working under the supervision of the Assistant Regional Commissioner (Alcohol, Tobacco, and Firearms) such statement may be delivered with the return. If the district director, the director of the service center, or, where applicable, the Assistant Regional Commissioner (Alcohol, Tobacco, and Firearms) determines that the delinquency was due to a reasonable cause and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause. A failure to pay will be considered to be due to reasonable cause to the extent that the taxpayer has made a satisfactory showing that he exercised ordinary business care and prudence in providing for payment of his tax liability and was nevertheless either unable to pay the tax or would suffer an undue hardship (as described in § 1.6161–1(b) of this chapter) if he paid on the due date. In determining whether the taxpayer was unable to pay the tax in spite of the exercise of ordinary business care and prudence in providing for payment of his tax liability, consideration will be given to all the facts and circumstances of the taxpayer's financial situation, including the amount and nature of the taxpayer's expenditures in light of the income (or other amounts) he could, at the time of such expenditures, reasonably expect to receive prior to the date prescribed for the payment of the tax. Thus, for example, a taxpayer who incurs lavish or extravagant living expenses in an amount such that the remainder of his assets and anticipated income will be insufficient to pay his tax, has not exercised ordinary business care and prudence in providing for the payment of his tax liability. Further, a taxpayer who invests funds in speculative or illiquid assets has not exercised ordinary business care and prudence in providing for the payment of his tax liability unless, at the time of the investment, the remainder of the taxpayer's assets and estimated income will be sufficient to pay his tax or it can be reasonably foreseen that the speculative or illiquid investment made by the taxpayer can be utilized (by sale or as security for a loan) to realize sufficient funds to satisfy the tax liability. A taxpayer will be considered to have exercised ordinary business care and prudence if he made reasonable efforts to conserve sufficient assets in marketable form to satisfy his tax liability and nevertheless was unable to pay all or a portion of the tax when it became due.

(2) In determining if the taxpayer exercised ordinary business care and prudence in providing for the payment of his tax liability, consideration will be given to the nature of the tax which the taxpayer has failed to pay. Thus, for example, facts and circumstances which, because of the taxpayer's efforts to conserve assets in marketable form, may constitute reasonable cause for nonpayment of income taxes may not constitute reasonable cause for failure to pay over taxes described in section 7501 that are collected or withheld from any other person.

(d) *Penalty imposed on net amount due*—(1) *Credits against the tax.* The amount of tax required to be shown on the return for purposes of section 6651(a)(1) and the amount shown as tax on the return for purposes of section 6651(a)(2) shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return.

(2) *Partial payments.* (i) The amount of tax required to be shown on the return for purposes of section 6651(a)(2) shall, for the purpose of computing the addition for any month, be reduced by the amount of any part of the tax which is paid after the date prescribed for payment and on or before the first day of such month.

(ii) The amount of tax stated in the notice and demand for purposes of section 6651(a)(3) shall, for the purpose of computing the addition for any month, be reduced by the amount of any part of the tax which is paid before the first day of such month.

(e) *No addition to tax if fraud penalty assessed.* No addition to the tax under section 6651 shall be assessed with respect to an underpayment of tax if a 50-percent addition to the tax for fraud is assessed with respect to the same underpayment under section 6653(b). See section 6653(d).

(f) *Examples.* The provisions of this section may be illustrated by the following examples:

Example(1). (a) Under section 6072(a), income tax returns of individuals on a calendar year basis must be filed on or before the 15th day of April following the close of the calendar year. Assume an individual filed his income tax return for the calendar year 1969 on July 20, 1970, and the failure to file on or before the prescribed date is not due to reasonable cause. The tax shown on the return is $800 and a deficiency of $200 is subsequently assessed, making the tax required to be shown on the return, $1,000. Of this amount, $300 has been paid by withholding from wages and $400 has been paid as estimated tax. The balance due as shown on the return of $100 ($800 shown as tax on the return less $700 previously paid) is paid on August 21, 1970. The failure to pay on or before the prescribed date is not due to reasonable cause. There will be imposed, in addition to interest, an additional amount under section 6651(a)(2) of $2.50, which is 2.5 percent (2% for the 4 months from April 16 through August 15, and 0.5% for the fractional part of the month from August 16 through August 21) of the net amount due as shown on the return of $100 ($800 shown on the return less $700 paid on or before April 15). There will also be imposed an additional amount under section 6651(a)(1) of $58, determined as follows:

20 percent (5% per month for the 3 months from April 16 through July 15 and 5% for the fractional part of the month from July 16 through July 20) of the net amount due of $300 ($1,000 required to be shown on the return less $700 paid on or before April 15)	$60
Reduced by the amount of the addition imposed under section 6651(a)(2) for those months	2
Addition to tax under section 6651(a)(1)	$50

(b) A notice and demand for the $200 deficiency is issued on January 8, 1971, but the taxpayer does not pay the deficiency until December 23, 1971. In addition to interest there will be imposed an additional amount under section 6651(a)(3) of $10, determined as follows:

Addition computed without regard to limitation: 6 percent (5½% for the 11 months from January 19, 1971, through December 18, 1971, and 0.5% for the fractional part of the month from December 19 through December 23) of the amount stated in the notice and demand ($200)	$12
Limitation on addition: 25 percent of the amount stated in the notice and demand ($200)	$50
Reduced by the part of the addition under section 6651(a)(1) for failure to file attributable to the $200 deficiency (20% of $200)	40
Maximum amount of the addition under section 6651(a)(3)	$10

Example (2). An individual files his income tax return for the calendar year 1969 on December 2, 1970, and such delinquency is not due to reasonable cause. The balance due, as shown on the return, of $500 is paid when the return is filed on December 2, 1970. In addition to interest and the addition for failure to pay under section 6651(a)(2) of $20 (8 months at 0.5% per month, 4%), there will also be imposed an additional amount under section 6651(a)(1) of $112.50, determined as follows:

Penalty at 5 percent for maximum of 5 months, 25 percent of $500	$125.00
Less reduction for the amount of the addition under section 6651(a)(2): Amount imposed under section 6651(a)(2) for the months in which there is also an addition for failure to file—2½ percent for the 5 months April 16 through September 15 of the net amount due ($500)	12.50
Addition to tax under section 6651(a)(1)	$112.50

PAR. 5. Section 301.6656 is amended by revising subsection (a) of section 6656 and by adding a historical note. The revised and added provisions read as follows:

§ 301.6656 Statutory provisions; failure to make deposit of taxes.

SEC. 6656. *Failure to make deposit of taxes*—(a) *Penalty.* In case of failure by any person required by this title or by regulation of the Secretary or his delegate under this title to deposit on the date prescribed therefor any amount of tax imposed by this title in such government depositary as is authorized under section 6302(c) to receive such deposit, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 5 percent of the amount of the underpayment. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be so deposited over the amount, if any, thereof deposited on or before the date prescribed therefor.

* * * * *

(Sec. 6656 as amended by sec. 943(b), Tax Reform Act, 1969 (83 Stat. 728))

PAR. 6. Section 301.6656–1 is amended by revising paragraph (a) to read as follows:

§ 301.6656–1 Failure to make deposit of taxes.

(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a Government depositary, as is authorized under section 6302(c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director or the director of the service center to be due to reasonable cause and not to willful neglect. In the case of deposits, the time for making of which is after December 31, 1969, the penalty shall be 5 percent of the amount of the underpayment without regard to the period during which the underpayment continues. In the case of deposits, the time for making of which is before January 1, 1970, the penalty shall be 1 percent of the amount of the underpayment if the failure is for not more than 1 month, with an additional 1 percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in paragraph (b) of § 301.6651–1.

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed, or with the director of the service center. If the district director or the director of the service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

* * * * *

[FR Doc.71–10409 Filed 7–21–71;8:51 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 19–469

[General Order 109, Rev., Amdt. 2]

PART 390—CAPITAL CONSTRUCTION FUND

Application and Instructions for Interim Agreement

In F.R. Doc. 71–4601 appearing in the FEDERAL REGISTER of April 6, 1971 (36 F.R. 6519), the Maritime Administration, Department of Commerce, invited comments to be submitted by April 26, 1971, with respect to a proposed "Interim Capital Construction Fund Agreement."

Comments were received and considered and a final form of the Interim Agreement adopted. The important changes incorporated in the final form of the Interim Agreement are:

(1) Termination of the Interim Agreement has been keyed to the adoption of the Permanent Agreement, rather than a specific date.

(2) Deposits of depreciation have been made voluntary.

(3) The investment provisions were broadened to specifically permit transfer of all assets held in existing reserve funds for carriers under operating-differential subsidy contracts even though some or all of the assets would not be eligible for investment under the Interim Agreement.

(4) The provisions concerning Title XI financing have been simplified and the security interest of the Interim Fund reduced to that amount which would have been required to be deposited in a Title XI Restricted Fund, had one been established in lieu of the Interim Fund.

Corporations which are members of an affiliated group of includable corporations, as those terms are defined in section 1504 of the Internal Revenue Code of 1954, which made a consolidated return for the taxable year, may apply for an Interim Capital Construction Fund Agreement covering all eligible vessels owned or leased by all members of the affiliated group. Application for such an Interim Agreement shall be made by the common parent corporation of the affiliated group. The common parent shall act as agent for each subsidiary in the group. In lieu of application by the common parent for a single Interim Fund for the affiliated group, each member of the group may apply for an individual Interim Capital Construction Fund Agreement covering any eligible vessels owned by such member.

The final form of the Interim Agreement is attached as an Appendix to a new § 390.2 *Application and instructions for interim agreements.* A similar form of agreement to that appended to these regulations will be available in regard to fishing vessels. Instructions for application may be obtained from the Director, National Marine Fisheries Service, Room 3356, Interior Building, Washington, D.C. 20235. Additional regulations relating to agreements for fishing vessels will be issued in the near future.

New § 390.2 reads as follows:

§ 390.2 Application and instructions for interim agreements.

(a) *General Qualifications.* To be eligible to enter into an Interim Capital Construction Fund Agreement (Interim Agreement), an applicant must:

(1) Be a citizen of the United States as defined in subsection 905(c) of the Merchant Marine Act, 1936, as amended (Act);

(2) Own or lease one or more eligible vessels; and

(3) Have a program for the acquisition, construction, and reconstruction of one or more qualified vessels and including barges and containers which are part of the complement of qualified vessels.

(b) *Content of application.* Persons seeking an Interim Agreement may make application by letter providing the following information:

(1) Proof of U.S. citizenship. (Guidance as to what constitutes proof may be found in the models and instructions appearing at Part 355 of this chapter.)

(2) The first taxable year for which the Interim Agreement is to apply.

(3) The following information with respect to each "eligible vessel" or "qualified vessel" owned or leased by an Applicant to be designated as an "Agreement vessel" (i.e., to be incorporated in Schedule A of the Interim Agreement) for the purposes of making deposits into a Capital Construction Fund pursuant to the provisions of section 607 of the Act:

(i) Name of vessel.

(ii) Type of vessel (i.e., cargo, container, OBO, tanker, etc.).

(iii) Capacity (tons of cargo, number of containers, barges, etc.).

(iv) Whether owned or leased and, if leased, the owner.

(v) Date and place of construction.

(vi) If reconstructed, date of redelivery and place of reconstruction.

(vii) Date documented under the laws of the United States.

(viii) Area of operation (which in this subparagraph (3) means in the foreign or domestic commerce of the United States or in the fisheries of the United States.

(4) The following information with respect to barges and containers owned or leased by the Applicant which are part of the complement of an "eligible vessel" or a "qualified vessel" to be incorporated in Schedule A of the Interim Agreement for the purposes of making deposits into a Capital Construction Fund pursuant to the provisions of section 607 of the Act:

(i) Number and description of barges and containers by type, size, construction material or other distinguishing features.

(ii) Indentification of which barges and containers are owned and which are leased and, if leased, the owner.

(iii) Date and place of construction.

(iv) Identification of the vessel for which the barges and containers are part of the complement.

(5) The general objectives to be achieved by the accumulation of assets in a Capital Construction Fund (to be incorporated in Schedule B of the Interim Agreement). In this regard, the Applicant should describe:

(i) The number and, to the extent known, the general characteristics of vessels he expects to construct, the approximate contract and delivery dates thereof, and the anticipated area of operation of such vessel or vessels.

(ii) The number of vessels he expects to acquire or has acquired and as to which indebtedness is to be paid, their general characteristics, the approximate date(s) of such acquisition, whether new or used and in the case of used vessels the approximate age thereof, and the anticipated area of operation of such vessel or vessels.

(iii) The number of vessels he expects to reconstruct or has reconstructed and as to which indebtedness is to be paid, the approximate dates of such reconstruction, the age of the vessels, the nature and extent of the reconstruction, whether or not such reconstruction will or did extend the life of the vessels, whether or not such reconstruction will adapt the vessels to a different use and the anticipated area of operation of such reconstructed vessel or vessels.

(iv) The number of containers and barges he expects to acquire, construct, or reconstruct, the approximate date(s) of such acquisition, construction, or reconstruction and the vessel for which such barges and containers will be part of the complement. In the case of reconstruction, the age of the containers and barges to be reconstructed and the nature and extent of the reconstruction must be shown.

(v) The term "area of operation" in this subparagraph (5) means in U.S. foreign, Great Lakes, or noncontiguous domestic trade and in the fisheries of the United States.

(vi) The statement of "general objectives" under this subparagraph (5) appears to involve commercial and financial information normally considered privileged or confidential and not customarily made public by a businessman. A specific written request must accompany the application if the Applicant wishes this information to be withheld from disclosure. The Assistant Secretary of Commerce for Maritime Affairs will endeavor to respect such a request.

(6) The name(s) of the depository or depositories for the assets of a Capital Construction Fund.

(c) *Filing.* Letters of application must be submitted in triplicate with each copy signed and addressed to the Secretary, Maritime Administration, Washington, D.C. 20235.

Effective date. This regulation shall be effective as of July 22, 1971.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. Sections 3501–3511.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91–469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026)

Dated: July 15, 1971.

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

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

APPENDIX—INTERIM CAPITAL CONSTRUCTION FUND AGREEMENT

This Interim Capital Construction Fund Agreement (the "Agreement"), made on _____, 1971, by and between the Secretary of Commerce (the "Secretary") and _____ (the "Party"), a citizen of the United States.

WITNESSETH:

WHEREAS:

1. The Party applied for establishment of an Interim Capital Construction Fund (the "Interim Fund") under section 607 of the

Merchant Marine Act, 1936, for the purpose of providing replacement, additional or reconstructed vessels for operation in the U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States;

2. The Secretary after appropriate findings and determinations has authorized the award of an Interim Capital Construction Fund Agreement to the Party upon the terms and conditions set forth in this Agreement and subject to the Merchant Marine Act, 1936, as amended from time to time (the "Act"), and to such rules and regulations as the Secretary of Commerce or his delegate shall prescribe, either alone or jointly with the Secretary of the Treasury, as necessary to carry out the powers, duties and functions vested in them by the Act (the "rules and regulations").

Now, Therefore, in consideration of the premises, it is hereby agreed:

I. *Establishment of Interim Fund.* An Interim Fund is hereby established for the purposes set forth in Article III. During the term of this Agreement deposits into and withdrawals from the Interim Fund shall be made only in accordance with the provisions, conditions, and requirements of the Act, this Agreement and all rules and regulations applicable to such Interim Funds.

II. *Term of the Agreement.* This Agreement shall terminate:

A. Upon failure of the Party to make application for a permanent Capital Construction Fund Agreement (the "Permanent Agreement") within 60 days after notice in the FEDERAL REGISTER that the final form of such Permanent Agreement and form of application, if any, have been adopted by the Secretary.

B. Upon denial by the Secretary of a timely filed application for a Permanent Agreement.

C. By mutual consent.

D. Upon failure to execute a Permanent Agreement within 30 days after tender by the Secretary of such Agreement for execution by the Party.

E. Upon the execution by the Secretary of a Permanent Agreement.

In the case of terminations occasioned by the events described in sections (A), (B), (C), and (D) above, the provisions of the Internal Revenue Code of 1954 shall apply as though this Agreement had not been executed.

If this Agreement is terminated by virtue of the execution of a Permanent Agreement, no interval shall be deemed to occur between the Agreements. The assets then on deposit in the Interim Fund, to the extent found necessary and appropriate by the Secretary for carrying out the program set forth in the Permanent Agreement, shall be transferred to the corresponding accounts in the Permanent Fund under the Permanent Agreement.

III. *Purposes of the Interim Fund.*

A. The Interim Fund established by this Agreement shall be for the purposes of providing for qualified withdrawals during the term of this Agreement and for transfer to a Permanent Fund of such amounts as may be approved by the Secretary under Article II of this Agreement.

B. The Interim Fund created by this Agreement is for the purpose of accumulating or maintaining the necessary resources to achieve the general objectives contained in Schedule B of this Agreement.

IV. *Approved Depositories.* All assets of the Interim Fund shall be maintained in the following depositories:

[Insert the name of the depository]

V. *Deposits to be made in the Interim Fund.*

A. In order to carry out the purposes of section 607 of the Act as more specifically set forth in Schedule B of this Agreement, for each of the taxable years covered by this Agreement;

1. The Party *shall* deposit in any order all amounts received from the following:

a. Receipts (earnings) from the investment and reinvestment of amounts held in the Interim Fund; and

b. Except as shall be specifically exempted from deposit by the Secretary, net proceeds from (i) the sale or other disposition (including any mortgage) of any qualified Agreement vessel, and (ii) any insurance or indemnity attributable to any qualified Agreement vessel resulting from total loss, whether such loss was determined by compromise, constructively or by agreement.

2. In addition to the deposits required by subsection (1), the Party *may* make deposits in any order and amount but not in excess of the sum of:

a. One hundred percent of the taxable income attributable to the operation of the Agreement vessels in the foreign or domestic commerce of the United States;

b. The amount allowable as a deduction under section 167 of the Internal Revenue Code of 1954 for such year with respect to Agreement vessels; and

c. Net proceeds not required to be deposited under paragraph (A)(1)(b) from (i) the sale or other disposition (including any mortgage) of any Agreement vessel, and (ii) any insurance or indemnity attributable to any Agreement vessel.

In no event may the deposits of taxable income for any taxable year exceed 100 percent of the taxable income of the Party for such year. Deposits shall be credited to the ordinary income, capital gain, and capital accounts in accordance with the designation selected by the Party and the Federal income tax consequences of such characterization shall be that required under section 607 of the Act.

B. Deposits which are determined by subsequent audit to exceed the limitations stated in section (A) may be applied as deposits applicable to a subsequent taxable year either under this Agreement or an immediately succeeding Permanent Agreement. In the event that upon subsequent audit it is determined that amounts deposited in the Interim Fund for any taxable year fall below the limitations stated in section (A) additional deposits may be made applicable to such taxable year.

C. Deposits may be made in the form of mortgages and evidences of indebtedness received in connection with transactions referred to in section (A).

D. With respect to any leased vessel, barge, or container covered by this Agreement, the maximum amount which may be deposited by the Party for any taxable year may be increased by the amount allowable to the owner as a deduction under section 167 of the Internal Revenue Code of 1954 that the owner does not deposit under an agreement for that year. Such deposits by the party shall be added to the amount in the capital account as a deposit of depreciation.

VI. *Treatment of Existing Funds.*

A. The Party may extend this Agreement to some or all of the assets held in any fund or funds it was maintaining under section 607 of the Act before the enactment of the Merchant Marine Act of 1970 by transferring such assets to the appropriate accounts in the Interim Fund in a nontaxable transaction as provided in subsection 607(j).

B. In the event that a transfer under section (A) is made, the amounts transferred to the Interim Fund from such funds shall be available for the satisfaction of any and all obligations owed the United States pursuant to Article ____ of the operating-differential subsidy agreement of the Party pending release by the United States of the Party from such obligations.

VII. *Withdrawals from the Interim Fund.*

A. A withdrawal made for the purposes specified in Schedule B of the Agreement shall be treated as a "qualified withdrawal" within the meaning of subsection 607(f) of the Act. Any withdrawal which is not a qualified withdrawal shall be treated as a nonqualified withdrawal or a withdrawal pursuant to subsection 607(i), as the case may be, but in the case of a nonqualified withdrawal, prior consent of the Secretary must be obtained before such withdrawal may be made.

B. Except to the extent provided in regulations of the Secretary, qualified withdrawals for the acquisition, construction, or reconstruction of barges and containers which are part of the complement of a qualified vessel, and the payment of the principal on indebtedness incurred in connection therewith, shall be made only with respect to barges and containers constructed in the United States.

VIII. *Investment of the Interim Fund.* Investments shall be made in accordance with the following requirements and such additional requirements as the Secretary may prescribe from time to time.

A. The assets of the Interim Fund may be invested in obligations of the U.S. Government or of any agency or instrumentality thereof, bankers acceptances and negotiable certificates of deposit which are readily marketable and which are issued by members of the Federal Deposit Insurance Corporation and the Federal Reserve System, and commercial notes which are readily marketable and of one of the two highest grades as rated by Standard and Poor's Corp. All of the foregoing investments shall mature not later than 1 year from the date of their purchase.

B. No person shall buy on margin or effect the short sale of any security when acting for the account of the Interim Fund.

C. Assets of the Interim Fund may not be invested in securities of any of the following:

1. The Party;
2. A subsidiary of the Party;
3. A related company of the Party; or
4. Any issuer owning or controlling more than 10 percent of the Party's voting securities.

D. Assets previously constituting a Capital Reserve Fund or a Special Reserve Fund may be transferred into the Interim Fund, whether or not such assets comply with the provisions of this Article. All subsequent transactions shall, however, comply with this Article.

IX. *Provisions Concerning Title XI Financing.* In the event the Party at any time is the owner of a vessel subject to a mortgage insured pursuant to Title XI of the Act (Title XI) and requests and is permitted by the Secretary to make deposits into the Interim Fund all or part of which deposits would otherwise be required to be deposited into a Restricted Fund (reserve fund) relating to such Title XI financing (such Title XI financing related to such deposits into the Interim Fund being herein called a "CCF: Title XI Financing," and such a Restricted Fund relating to a CCF: Title XI financing being herein called a "CCF: Restricted Fund"), the Party shall (unless otherwise approved by the Secretary in writing) enter into an agreement satisfactory in form and substance to the Secretary that:

A. The Interim Fund shall, to the extent of an amount (said amount being herein called the "CCF: Security Amount") equal to the total of:

1. The aggregate amount that, except for the permissions obtained hereunder, would have been on deposit in the appropriate Restricted Funds, which in the case of a Party having an operating-differential subsidy contract would be computed as if the Party did not have such contract; and

2. Any deposit required to be made into any Restricted Funds relating to CCF: Title XI Financings such sums that were on deposit in any capital or special reserve fund provided for in an operating-differential subsidy contract of the Party if the operating-differential subsidy contract had terminated and if, but for the Interim Agreement, such funds would become the general funds of the Party;

be security to the United States for the payment of all sums due under and the performance of all covenants contained in any mortgage insured pursuant to Title XI and related to a CCF: Title XI Financing.

B. Notwithstanding any other provisions of this Article IX, unless otherwise approved by the Secretary, the proceeds of any mortgage insured pursuant to Title XI which are required or permitted by the Secretary to be deposited in whole or in part in the Interim Fund shall be security only with respect to and for the related mortgage and the Party will, at or before the time of such deposit, enter into an agreement satisfactory in form and substance to the Secretary to provide for such security interest.

C. It shall deliver to the Secretary such financial statements as said agreement may provide.

D. It shall not make a qualified withdrawal except for the payment of principal on any mortgage insured pursuant to Title XI and related to such financing, without the consent of the Secretary if after giving effect to such withdrawal the balance of the Interim Fund would be less than the CCF: Security Amount.

E. On the date of termination of this Agreement, it shall, upon release from the Interim Fund of any amounts on deposit, deposit such portion, not to exceed the CCF: Security Amount, of said amounts into such Restricted Funds as said agreement requires or into such other funds as may be approved by the Secretary.

F. It will execute such further agreements and take such other actions as may be deemed by the Secretary as necessary to perfect the pledge of such security.

X. *Pledges and Assignments Prohibited.* The Party covenants and agrees that, without the prior written consent of the Secretary, neither the Party nor a trustee nor any other person shall pledge or assign all or any portion of this Agreement, the Interim Fund, or any assets in the Interim Fund, except in connection with Title XI financings pursuant to Article IX.

XI. *Related Companies.* Where affiliates, subsidiaries, holding companies, or other persons related to the Party, directly or indirectly, are involved in the financing, acquisition, construction, or reconstruction of a qualified vessel, or barge or container which is part of the complement of a qualified vessel, the Party shall make written application to the Secretary for approval of the transaction not less than 30 days prior to the execution thereof. Withdrawals with respect to such transactions before such approval is granted shall be treated as nonqualified withdrawals unless otherwise approved by the Secretary.

XII. *Records and Reports.*

A. The Party and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the Party (1) shall keep its books, records, and accounts relating to the property and to the maintenance, operation, and servicing of the vessel(s) and service(s) covered by this Agreement in such form and under such rules and regulations as may be prescribed by the Secretary, but the Secretary shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission or the Secretary of the Treasury so long as such information is made available to the Secretary, and (2) shall file, upon notice from the Secretary, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of facts and transactions, as in the opinion of the Secretary affect the financial results in the performance of, or transactions or operations under, this Agreement. The Secretary reserves the right to require that all or any of such statements, reports and memoranda shall be certified by independent certified public accountants acceptable to the Secretary. The Party shall from time to time establish and maintain such checks upon or systems of control of expenditures or revenues in connection with the operation of the Agreement vessel(s) as the Secretary may require.

B. The Secretary is hereby authorized to examine and audit the books, records, and accounts of all persons referred to in section (A) whenever he may deem it necessary or desirable.

XIII. *Warranties and Representations by the Party.* The Party hereby warrants and represents as follows:

A. That the Party is and at all times during the period of this Agreement will continue to be a citizen of the United States within the meaning of subsection 905(c) of the Act;

B. That the Party owns or leases the eligible vessels, as that term is defined in subsection 607(k) of the Act, set out in Schedule A of this Agreement;

C. That the vessels referred to in Schedule B of this Agreement, and, except as provided in regulations issued by the Secretary, the barges and containers which are part of the complement of such vessels:

1. Were, or will be, constructed or, with respect to vessels, reconstructed in the United States;

2. Were, or will be, documented under the laws of the United States; and

3. Are, or will be operated in the U.S. foreign, Great Lakes, or noncontiguous domestic trade, or in the fisheries of the United States.

Any vessel which (a) was constructed outside the United States but documented under the laws of the United States on April 15, 1970, or (b) constructed outside the United States for use in the United States foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the above requirements.

D. That the Party will during the term of this Agreement comply with the provisions of this Agreement, of the Act, and of the rules and regulations.

XIV. *Effective Dates.* This Agreement is binding upon execution and shall be effective for purposes of withdrawals from the Interim Fund in accordance with regulations issued by the Secretary and for purposes of deposits the effective date(s) shall be as prescribed in joint regulations of the Secretary and the Secretary of the Treasury.

XV. *Modification, Amendment and Extension.* This Agreement may be modified, amended or extended by mutual consent.

XVI. *Miscellaneous Provisions.*

A. The use of headnotes at the beginning of the Articles in this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the Articles themselves.

B. The "Secretary" shall mean the Secretary of Commerce or any official or body from time to time duly authorized to perform the duties and functions of the Secretary of Commerce under the Act (including the Assistant Secretary of Commerce for Maritime Affairs, the Acting Assistant Secretary of Commerce for Maritime Affairs, the Maritime Administrator, the Acting Maritime Administrator, and, to the extent so authorized, the Deputy Assistant Secretary of Commerce for Maritime Affairs, the Deputy Maritime Administrator and other officials of the Maritime Administration.

In witness whereof, the Secretary and the Party have executed this Agreement in triplicate, effective as of the dates indicated herein and actually on the _____ day of _____ 19__.

[SEAL] UNITED STATES OF AMERICA
SECRETARY OF COMMERCE,
ASSISTANT SECRETARY OF
COMMERCE FOR
MARITIME AFFAIRS.

Attest:
[SEAL]
Attest:

Approved as to form:

General Counsel,
Maritime Administration.

[FR Doc.71-10384 Filed 7-21-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Clarence Cannon National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

CLARENCE CANNON NATIONAL WILDLIFE REFUGE, MO.

Public hunting of mourning doves on the Clarence Cannon National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,746 acres, is delineated on a map available from the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn.

55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of mourning doves subject to the following conditions:

(1) The open season for hunting mourning doves on the refuge is from September 1, 1971 through September 30, 1971, inclusively.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

LEWIS R. GARLICK,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Twin Cities, Minn.

JULY 13, 1971.

[FR Doc.71-10351 Filed 7-21-71;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

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

[FR Doc.71-10352 Filed 7-21-71;8:46 am]

PART 32—HUNTING

Hagerman National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Public hunting of rabbits on the Hagerman National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,644 acres, is delineated on maps available at refuge headquarters, 15 miles northwest of Sherman, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits subject to the following special conditions:

(1) The open season for hunting rabbits on the refuge extends from September 1 through September 30, 1971, inclusive.

(2) Shooting hours will begin at 12 m. daily and end at sunset.

(3) Hunting with rifles or handguns is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

JULY 12, 1971.

[FR Doc.71-10353 Filed 7-21-71;8:46 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vt., is permitted on only the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

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

[FR Doc.71-10354 Filed 7-21-71;8:46 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Shiawassee National Wildlife Refuge is permitted from 7 a.m. to 6 p.m. each day from November 15, 1971, through November 30, 1971, only on the area designated by signs as open to hunting. This open area, comprising 4,800 acres, is delineated on a map available at the refuge headquarters, Saginaw, Mich., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Public hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. each day from December 1, 1971, through December 31, 1971 only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(2) Bow and arrow hunting will be by Federal permit only, from December 1, 1971, through December 15, 1971. No permit will be required from December 16, 1971, through December 31, 1971.

(3) Applications for bow and arrow hunting permit must be received at the refuge office on or before October 31, 1971.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

JOHN R. FRYE,
Refuge Manager, Shiawassee National Wildlife Refuge, Saginaw, Mich.

JULY 12, 1971.

[FR Doc.71-10355 Filed 7-21-71;8:46 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope is permitted on the Ouray National Wildlife Refuge, Utah, for the 1971 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box

1306, Albuquerque, N. Mex. 87103. Archery deer season is August 28 through September 12, 1971, inclusive. Rifle deer season is October 23 through November 2, 1971, inclusive. Rifle season for antelope is August 21, 22, 23 and 28, 29, and 30, 1971.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge subheadquarters before hunters leave the area.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 2, 1971.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 12, 1971.

[FR Doc.71-10356 Filed 7-21-71;8:46 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-22-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vt., is permitted only on the areas delineated on maps available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

1. During the regular season, rifles may not be used on that part of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1971.

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

[FR Doc.71-10357 Filed 7-21-71;8:46 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-16; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

This amendment adds certain tire sizes and alternative rim size to the passenger car tire standard and the tire selection and rim standard.

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A, Standard No. 109 and to Appendix A, Standard No. 110. Under these guidelines, the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER, if no objections to the proposed additions are received. If objections to the amendment are received, rulemaking pursuant to the procedures for motor vehicle safety standards (49 CFR Part 553) are followed. All changes made to the appendices as of April 16, 1971, were reissued and incorporated into the tables and republished in the FEDERAL REGISTER of May 4, 1971 (36 F.R. 8298).

The European Tyre and Rim Technical Organization has petitioned for the following:

(1) The addition of the new 205/70 R 14, 215/70 R 14, 225/70 R 14, 195/70 R 15, 205/70 R 15, 215/70 R 15, 225/70 R 15, 150R12, 150R14, and 180R15 tire size designations to Table I, Apendix A of Standard No. 109 and the appropriate test and alternative rims to Table I, Appendix A of Standard No. 110.

(2) The addition of the 5.50 B alternative rim for the 165 R 13 tire size designation to Table I, Appendix A of Standard No. 110.

(3) The addition of the 16 p.s.i. and 18 p.s.i. loads to Table I-H, Appendix A of Standard No. 109.

The Rubber Manufacturers Association has petitioned for the addition of the 6-JJ alternative rim size for the DR 78-14 tire size designation to Table I, Appendix A of Standard No. 110.

On the basis of the data submitted by the European Tyre and Rim Technical Organisation and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines, § 571.21 of Part 571 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are amended to read as set forth below, effective 30 days from date of publication in the FEDERAL REGISTER.

In addition, Appendix A of Standard No. 109 is amended in order to make it clear that requests for additional tire sizes should specify whether the tire is an addition to a category of tires listed in the tables, or a new category for which a table has not been developed.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 501.8)

Issued on July 13, 1971.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

In Appendix A—Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars:

1. Paragraph 1 is deleted and in its place the following revised paragraph 1 is inserted:

1. The tire size designation, and a statement either that the tire is an addition to a category of tires listed in the tables or that it is in a new category for which a table has not been developed.

2. The existing Table I-H is deleted and in its place the following revised Table I-H is inserted.

TABLE I–H

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "S" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145R10	465	495	525	550	580	605	630	655	680	700	725	750	770	4	24.76	5.79
125R12	370	400	430	450	475	495	515	535	555	575	595	610	630	3½	24.68	5.09
135R12	440	475	505	535	560	585	610	635	655	680	700	725	745	4	25.53	5.39
145R12	530	565	600	625	655	685	725	755	780	810	835	860	885	4	26.69	5.79
155R12	590	630	665	700	735	770	800	835	865	895	925	950	980	4½	27.36	6.18
135R13	480	515	545	575	600	630	655	680	705	730	755	780	800	4	26.53	5.39
145R13	590	630	665	700	735	770	800	835	860	890	920	950	980	4	27.59	5.79
155R13	645	690	730	770	810	845	885	915	950	985	1,015	1,045	1,075	4½	28.44	6.18
165R13	680	730	770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4½	29.18	6.40
175R13	790	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.30	6.73
185R13	870	930	980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.42	7.25
195R13	955	1,010	1,060	1,110	1,170	1,220	1,280	1,320	1,370	1,420	1,470	1,510	1,550	5½	32.38	7.70
135R14	515	550	585	615	645	675	705	730	760	785	810	835	860	4	27.54	5.39
145R14	595	635	675	715	750	785	815	850	880	910	940	965	995	4	28.54	5.79
155R14	690	740	780	820	860	900	940	970	1,010	1,040	1,080	1,110	1,140	4	29.51	6.05
165R14	760	810	860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.65	6.55
175R14	840	900	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.63	7.00
185R14	920	980	1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.59	7.30
195R14	1,020	1,090	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	33.69	7.80
205R14	1,110	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	34.82	8.30
215R14	1,210	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	35.79	8.60
225R14	1,270	1,350	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.44	8.95
125R15	460	490	520	550	575	605	630	655	680	705	725	745	770	3½	27.69	5.09
135R15	545	580	615	650	680	715	745	775	800	830	855	880	910	4	28.53	5.39
145R15	640	680	720	760	795	830	865	900	935	965	995	1,025	1,055	4	29.54	5.79
155R15	690	735	780	825	865	905	940	980	1,015	1,050	1,085	1,115	1,150	4½	30.45	6.18
165R15	770	820	870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,270	4½	31.18	6.40
175R15	840	900	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.30	6.90
185R15	930	1,010	1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.58	7.45
195R15	1,020	1,090	1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.22	7.65
205R15	1,100	1,170	1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.20	8.10
215R15	1,190	1,270	1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.00	8.35
225R15	1,270	1,350	1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.94	8.80
235R15	1,340	1,430	1,510	1,600	1,680	1,760	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.75	9.05

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

CHANGES: 16 and 18 p.s.i. loads added.

3. The existing Table I–O is deleted and in its place the following revised Table I–O is inserted.

TABLE I–O

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "LOW SECTION" TYPE "S" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	20	22	24	26	28	30	32	34	36	38	40			
140R12	490	520	550	580	610	640	660	690	710	740	770	4	26.2	5.49
150R12	570	610	640	670	700	730	760	790	820	850	880	4	27.19	5.75
150R13	600	640	680	720	750	780	810	840	780	900	940	4	28.17	5.75
160R13	670	700	740	780	820	860	900	940	980	1,010	1,040	4½	29.23	6.25
170R13	720	760	800	840	880	920	960	1,000	1,040	1,080	1,110	5	30.08	6.60
150R14	640	670	710	750	780	820	860	900	940	970	1,000	4	29.16	5.75
160R14	920	970	1,020	1,070	1,120	1,170	1,230	1,280	1,330	1,380	1,430	5	32.97	6.85
180R15														

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the letter "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

CHANGES: New size 150R12, 150R14, and 180R15 added.

4. A new Table I–T is added.

TABLE I-T

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
205/70 R 14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.42	8.10
215/70 R 14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.55
225/70 R 14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
195/70 R 15	890	950	1,010	1,070	1,130	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
205/70 R 15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.94	7.95
215/70 R 15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
225/70 R 15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the letter "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

CHANGES: New table.

In Appendix A—Motor Vehicle Safety Standard No. 110, Tire Selection and Rims—Passenger Cars:

1. Delete Table I of Appendix A and insert the following new Table I.

TABLE I

(Amendment No. 20)

ALTERNATIVE RIMS

Tire size [3]	*Rim* [1 2]
Table I-A:	
6.00-13	5-JJ, 6-JJ.
7.35-14	6-JJ.
6.85-15	4½-JJ, 5½-JJ.
7.00-15	*5.00F, 5-K.*
8.25-15	5-JJ, 5½-JJ, *6-JJ, 6-K, 6-L.*
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ.
8.90-15	6-JJ, *6½-L,* 7-L.
9.15-15	5½-JJ, 5½-K.
L84-15	5½-JJ, *6-JJ,* 6½-JJ, 7-JJ.
Table I-B:	
A70-13	5-JJ, 5½-JJ, 6-JJ.
D70-13	*5½-JJ, 5½-K.*
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
C70-15	*5½-JJ.*
E70-15	7-JJ, 8-JJ.
F70-15	8-JJ.
G70-15	7-JJ, 7½-K, 8-JJ.
H70-15	8-JJ.
Table I-C:	
4.80-10	3.50D.
5.60-14	4½-JJ.
6.40-15	4-JJ, 4½-JJ, *4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ.
155-13/6.15-13	5-JJ.
175-13/6.95-13	5½-JJ.
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C.*
5.5-15	3.50D, 3½-JJ, *4-JJ,* 4½-JJ.
Table I-D:	
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	*4½-JJ.*
135-15	4½-JJ.
185-15	4½-JJ.
Table I-E:	
6.2-13	4½-JJ.
6.5-13	*4½-JJ,* 5-JJ.
Table I-F:	
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	*4-JJ.*
5.60-15	5-K.
Table I-G:	
DR70-13	*5½-JJ.*
CR70-14	*5½-JJ.*
DR70-14	6-JJ, 6½-JJ, 6½-K.
FR70-14	5½-JJ, 6½-JJ, 7-JJ, 8-JJ.

See notes at end of table.

TABLE I—Continued

Tire size [3]	*Rim* [1 2]
ER70-15	6-JJ, 6½-JJ, 7-JJ.
FR70-15	6½-JJ, 7-JJ, 7½-K, 7½-L.
GR70-15	6½-JJ, 7-L, 7½-K, 8-K, 8½-L.
HR70-15	6-JJ.
JR70-15	6-JJ.
LR70-15	6-JJ.
Table I-H:	
155R12	4-JJ.
135R13	4½-JJ.
145R13	4½-JJ, 4.50B.
155R13	4.50B, 5-JJ.
165R13	4-JJ, 4.50B, 5.50B.
175R13	4-JJ, 5½-JJ.
165R14	5½-JJ.
175R14	4½-JJ.
205R14	7½-K.
135R15	4½-JJ.
165R15	5-JJ, 5-K, 5½-JJ.
205R15	6½-L, 7-L, 7½-K.
Table I-J:	
A78-13	4-JJ, 4½-JJ, 5-JJ, 5½-JJ, 6-JJ.
B78-13	*5-JJ.*
C78-13	*5½-JJ.*
D78-13	*5½-JJ.*
B78-14	*4½-JJ,* 4½-*K,* 5-JJ, 5-K, 5½-JJ.
C78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
D78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
E78-14	4½-JJ, 5-JJ, 5-K, *5½-JJ,* 5½-*K,* 6-JJ, 6½-JJ, 7-JJ.
F78-14	5-JJ, 5-K, *5½-JJ,* 5½-*K,* 6-JJ, 6-K, 6½-JJ, 7-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ.
H78-14	5½-JJ, *6-JJ, 6-K,* 6½-JJ, 6½-K, 7-JJ.
J78-14	*6-JJ, 6-K,* 6½-JJ.
A78-15	*4½-JJ.*
C78-15	4½-JJ, 4½-K, *5-JJ, 5-K.*
D78-15	*5-JJ, 5-K.*
E78-15	4½-K, *5-JJ, 5-K,* 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, *5½-JJ,* 5½-*K,* 6-JJ.
G78-15	5-JJ, 5-K, 5½-*JJ,* 5½-*K,* 6-JJ, 6-K, 6-L, 7-JJ.
H78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-K, 6½-JJ, 7-JJ.
J78-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ, 7-JJ.
L78-15	5½-JJ, 5½-K, *6-JJ, 6-K, 6-L,* 6½-JJ, 7-JJ, 8-JJ.
N78-15	6-JJ, 7-JJ.

TABLE I—Continued

Tire size [3]	*Rim* [1 2]
Table I-K:	
E60-14	7-JJ.
F60-14	7-JJ.
G60-14	7-JJ.
J60-14	7½-JJ.
H60-14	6½-JJ, 7-JJ.
L60-14	8-JJ.
E60-15	6-JJ, 7-JJ, 8-JJ.
F60-15	6½-JJ, 7-JJ, 8-JJ.
G60-15	7-JJ, 8-JJ.
H60-15	7-JJ.
J60-15	7½-JJ.
L60-15	7½-JJ.
Table I-L:	
E50C-16	3½.
F50C-16	3½.
G50C-17	3½.
H50C-17	3½.
L50C-18	3½, 4.
Table I-M:	
AR78-13	4½-JJ.
BR78-13	4½-JJ.
CR78-13	5-JJ.
BR78-14	4½-JJ.
CR78-14	5-JJ.
DR78-14	5-JJ, 6-JJ.
ER78-14	5-JJ.
FR78-14	5½-JJ.
GR78-14	6-JJ.
HR78-14	6-JJ.
JR78-14	6½-JJ.
AR78-15	4½-JJ.
BR78-15	4½-JJ.
ER78-15	5½-JJ.
FR78-15	5½-JJ.
GR78-15	6-JJ.
HR78-15	5½-JJ, 6-JJ.
JR78-15	6-JJ, 6½-JJ.
LR78-15	6-JJ, 6½-JJ.
Table I-N:	
165/70 R 13	4½-JJ, 5-JJ.
175/70 R 13	5-JJ, 5½-JJ.
185/70 R 13	4½-JJ, 5-JJ, 5½-JJ.
195/70 R 13	5½-JJ, 6-JJ.
155/70 R 14	4-JJ.
185/70 R 14	4½-JJ, 5-JJ, 5½-JJ.
195/70 R 14	5½-JJ, 6-JJ.
175/70 R 15	5-JJ.
185/70 R 15	5-JJ, 5½-JJ, 6-JJ.
Table I-O:	
140R12	4.00, 4.00-B, 4-JJ, 4.50, 4.50-B, 4½-JJ.
150R12	3½-JJ, 4.00B, 4-JJ, 4½-JJ.
150R13	3½-JJ, 4.00B, 4½-JJ, 5-JJ.
160R13	4.00B, 4½-JJ, 5-JJ, 5½-JJ.
170R13	4½-JJ, 5-JJ, 5½-JJ, 6-JJ.
150R14	4-JJ, 4½-JJ.
180R15	5-JJ, 5½-JJ.
Table I-P:	
G45C-16	5.

TABLE I—Continued

Tire size [3]	Rim [1 2]
Table I-R:	
FR60-15	7-JJ, 8-JJ.
GR50-15	7-JJ, 8-JJ.
HR60-15	7-JJ.
Table I-S:	
185/60 R 13	5-JJ, 5½-JJ.
Table I-T:	
205/70 R 14	5½-JJ, 6½-JJ.
215/70 R 14	5½-JJ, 6-JJ, 6½-JJ, 7-JJ, 8-JJ.
225/70 R 14	6-JJ, 7½-K.
195/70 R 15	5½-JJ, 6-JJ.
205/70 R 15	5½-JJ, 6-JJ, 6½-JJ, 6½-L, 7-JJ.
215/70 R 15	6-JJ, 6½-JJ, 6½-L, 7-JJ, 7-L, 7½-JJ, 7½-L, 7½-K, 8-JJ.
225/70 R 15	6-JJ, 6½-JJ, 7-L, 7½-K, 9-L.

NOTES

[1] Underline designations denote Test Rims.
[2] Where JJ rims are specified in the above Table J and JK rim contours are permissible.
[3] Tire size refers to designations in tables listed in Appendix A of FMVSS No. 109.

Changes:

Table I-H—165R13, rim 5.50B added.
Table I-M—DR78-14, rim 6-JJ added.
Table I-O:
150B12, rims 3½-JJ, 4.00B, 4-JJ and 4½-JJ added.
150R14, rims 4-JJ and 4½-JJ added.
180R15, rims 5-JJ and 5½-JJ added.
Table I-T—New table added.

[FR Doc.71-10238 Filed 7-21-71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that until July 31, 1973, not to exceed 100 positions of rehabilitation counselors and therapists in grades GS-3 through 11 to assist in the implementation of a drug rehabilitation program are excepted under Schedule A when filled by persons who have a history of drug addiction and who have been successfully treated.

Effective on publication in the FEDERAL REGISTER (7-22-71), subparagraph (14) is added under paragraph (a) of § 213.3108 as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* * * *

(14) Not to exceed 100 positions of rehabilitation counselors and therapists in grades GS-3 through 11 to assist in the implementation of a drug rehabilitation program when filled by persons who have a history of drug addiction and who have been successfully treated. No new appointments may be made under this authority after July 31, 1973.

* * * * *

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

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

[FR Doc.71-10500 Filed 7-21-71; 8:50 am]

PART 550—PAY ADMINISTRATION (GENERAL)

Dues Allotments

The allotment regulations of the Commission are amended in two respects. Section 550.304(a)(7) is amended to make clear that only a supervisor or management official may make a dues allotment as a member of an association of management officials or supervisors. Section 550.310 is revised to revoke the authority for dues allotments in formal recognition situations as the Federal Labor Relations Council has terminated formal recognition. The amended and revised regulations which are effective on the first day of the first pay period that begins on or after July 1, 1971, read as follows:

§ 550.304 Circumstances under which allotments are permitted.

(a) An agency may permit an employee to make an allotment on a current basis when he is:

* * * * *

(7) A supervisor or management official who is a member of an association of management officials or supervisors with which an agency has agreed in writing to deduct allotments for the payment of dues to the association and to recover the costs of making the deduction.

* * * * *

§ 550.310 Saving provision.

This subpart does not preclude the continuation of an allotment of dues to a labor organization by a supervisor when he desires to continue the dues withholding authorization which would otherwise have been canceled because he was excluded from a formal or exclusive unit of a labor organization by reason of the requirements of section 24(d) of Executive Order 11491.

(5 U.S.C. 5527, E.O. 10982; 3 CFR 1959-1963 Comp., p. 502)

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

[FR Doc.71-10499 Filed 7-21-71;8:50 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Definition of Unemployed Father

Notice of proposed rule making pertaining to the Federal definition of unemployed father under title IV-A of the Social Security Act was published in the FEDERAL REGISTER of February 6, 1971 (36 F.R. 2567). After consideration of the views presented by interested persons, the proposed regulations are hereby adopted without change, and are set forth below.

Section 233.100 (a)(1) and (c)(1)(iii) of Chapter II of Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.100 Dependent children of unemployed fathers.

(a) *Requirements for State plans.* * * *

(1) Include a definition of an unemployed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20 and shall include any father who:

(i) Is employed less than 100 hours a month; or

(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the 2 prior months and is expected to be under the standard during the next month.

* * * * *

(c) *Federal financial participation.* (1) Federal financial participation is available in payments authorized in accordance with the State plan approved under section 402 of the Act as aid to families with dependent chidlren with respect to a child.

* * * * *

(iii) Who has been deprived of parental support or care by reason of the fact that his father is employed less than 100 hours a month; or, exceeds that standard for a particular month if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for 2 prior months and is expected to be under the standard during the next month.

* * * * *

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. The regulations in this section shall be effective on October 1, 1971.

Dated: July 19, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: July 19, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-10502 Filed 7-21-71;9:20 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Advance Payments

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 23, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 23, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to clarify the Income Tax Regulations (26 CFR Part 1) under section 451 of the Internal Revenue Code of 1954, such regulations are amended as follows:

Section 1.451–5 is amended by revising paragraph (b) and by adding a new paragraph (g). These amended and added provisions read as follows:

§ 1.451–5 Advance payment for goods and long-term contracts.

* * * * *

(b) *Taxable year of inclusion.* Advance payments may be included in income:

(1) In the taxable year of receipt; or

(2) Except as provided in paragraph (c) of this section, in the taxable year in which properly accruable under the taxpayer's method of accounting for tax purposes. However, this method of reporting income in a transaction in which advance payments are received may be used by the taxpayer only if such method results in amounts with respect to such transaction being reported in gross receipts at the same time as for purposes of all of his reports (including consolidated financial statements) to shareholders, partners, other proprietors, beneficiaries, and for credit purposes. The preceding sentence (i) is not applicable to taxpayers accounting for advance payments for tax purposes pursuant to a long-term contract method of accounting (as described in § 1.451–3) and (ii) shall not be construed to prevent the use of the installment method under section 453.

For example, if a taxpayer in the business of selling goods normally would account for his sales when goods are shipped under his accrual method of accounting for tax purposes and for purposes of all reports referred to in subparagraph (2) of this paragraph, the advance payments received with respect to such goods may be included in gross receipts for tax purposes in the taxable year of such shipment (except as provided in paragraph (c) of this section). See subdivision (ii) of § 1.446–1(c)(1).

* * * * *

(g) *Special rule for certain transactions concerning natural resources.* A transaction which is treated as creating a mortgage loan pursuant to section 636 and the regulations thereunder rather than as a sale shall not be considered a "sale or other disposition" within the meaning of paragraph (a)(1) of this section. Consequently, any payment received pursuant to such a transaction, which payment would otherwise qualify as an "advance payment", will not be treated as an "advance payment" for purposes of this section.

[FR Doc.71-10410 Filed 7-21-71;8:51 am]

[26 CFR Parts 1, 301]

INCOME TAXES

Bonds and Other Evidences of Indebtedness

On Tuesday, August 25, 1970, notice of proposed rule making relating to certain deposits in financial institutions was published in the FEDERAL REGISTER (35 F.R. 13529). Notice is hereby given that the regulations which were published in tentative form in the appendix to such notice of proposed rule making are withdrawn. In addition, notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue Attention: CC:LR:T, Washington, D.C. 20224, by August 23, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 23, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 163, 451, 453, 454, 483, 591, 1012, 1016, 1037, 1232, and 6049 of the Internal Revenue Code of 1954 to section 5 of the Interest Equalization Tax Act (78 Stat. 845) and section 413 of the Tax Reform Act of 1969 (83 Stat. 609), such regulations are amended to read as follows:

PARAGRAPH 1. Section 1.163–3 is amended by revising the heading and by adding new paragraph (e) to read as follows:

§ 1.163–3 Deduction for discount on bonds issued on or before May 27, 1969.

* * * * *

(e) *Effective date.* The provisions of this section shall not apply in respect of a bond issued after May 27, 1969, unless issued pursuant to a written commitment which was binding on that date and at all times thereafter.

PAR. 2. The following new section is added immediately after § 1.163–3:

§ 1.163–4 Deduction for original issue discount on certain obligations issued after May 27, 1969.

(a) *In general.* (1) If an obligation is issued by a corporation with original issue discount, the amount of such discount is deductible as interest and shall be prorated or amortized over the life of the obligation. For purposes of this section the term "obligation" shall have the

same meaning as in § 1.1232–1 (without regard to whether the obligation is a capital asset in the hands of the holder) and the term "original issue discount" shall have the same meaning as in section 1232(b)(1) (without regard to the one-fourth of 1 percent limitation in the second sentence thereof). Thus, in general, the amount of original issue discount equals the excess of the amount payable at maturity over the issue price of the bond (as defined in paragraph (b)(2) of § 1.1232–3), regardless of whether that amount is less than one-fourth of 1 percent of the redemption price at maturity multiplied by the number of complete years to maturity. For the rule as to whether there is original issue discount in the case of an obligation issued in an exchange for property other than money, and the amount thereof, see paragraph (b)(2)(iii) of § 1.1232–3. In any case in which original issue discount is carried over from one corporation to another corporation under section 381(c)(9) or from an obligation exchanged to an obligation received in any exchange under paragraph (b)(1)(iv) of § 1.1232–3, such discount shall be carried over for purposes of this section. The amount of original issue discount carried over in an exchange of obligations under the preceding sentence shall be prorated or amortized over the life of the obligation received in such exchange. For computation of issue price and the amount of original issue discount in the case of serial obligations, see paragraph (b)(2)(iv) of § 1.1232–3.

(2) In the case of an obligation issued by a corporation as part of an investment unit (as defined in paragraph (b)(2)(ii)(*a*) of § 1.1232–3) consisting of an obligation and other property, the issue price of the obligation is determined by allocating the amount received for the investment unit to the individual elements of the unit in the manner set forth in paragraph (b)(2)(ii) of § 1.1232–3.

(b) *Examples.* The rules in paragraph (a) of this section are illustrated by the following examples:

Example (1). N Corporation, which uses the calendar year as its taxable year, on January 1, 1970, issued for $99,000, 9 percent bonds maturing 10 years from the date of issue, with a stated redemption price at maturity of $100,000. The original issue discount on each bond (as determined under section 1232(b)(1) without regard to the one-fourth-of-1-percent limitation in the second sentence thereof) is $1,000, i.e., redemption price, $100,000, minus issue price, $99,000. N shall treat $1,000 as the total amount to be amortized over the life of the bonds.

Example (2). Assume the same facts as example (1), except that the bonds are convertible into common stock of N Corporation. Since the issue price of the bonds includes any amount attributable to the conversion privilege, the result is the same as in example (1).

Example (3). Assume the same facts as example (1), except that the bonds are issued as part of an investment unit consisting of an obligation and an option. Assume further that the issue price of the bonds as determined under the rules of allocation set forth in paragraph (b)(2)(ii) of § 1.1232–3 is $94,000. The original issue discount on the bond (as determined under section 1232(b)(1) without regard to the one-fourth-of-1-percent limitation in the second sentence thereof) is $6,000, i.e., redemption price, $100,000, minus issue price, $94,000. N shall treat $6,000 as the total amount to be amortized over the life of the bonds.

Example (4). On January 1, 1971, a commercial bank which uses the calendar year as its taxable year, issued a certificate of deposit for $10,000. The certificate of deposit is not redeemable until December 31, 1975, except in an emergency as defined in, and subject to the qualifications provided by, Regulations Q of the Board of Governors of the Federal Reserve. See 12 CFR § 217.4(d). The stated redemption price at maturity is $13,382.26. The certificate is an obligation to which section 1232(a)(3)(A) applies (see paragraph (d) of § 1.1232–1), and the original issue discount with respect to the certificate (as determined under section 1232(b)(1) without regard to the one-fourth-of-1-percent limitation in the second sentence thereof) is $3,382.26 (i.e., redemption price, $13,382.26, minus issued price, $10,000). Y shall treat $3,382.26 as the total amount to be amortized over the life of the certificate.

(c) *Deduction upon repurchase.* [Reserved]

(d) *Effective date.* The provisions of this section shall apply in respect of obligations issued after May 27, 1969, other than—

(1) Obligations issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter, and

(2) Deposits made before January 1, 1971, in the case of certificates of deposit, time deposits, bonus plans, and other deposit arrangements with banks, domestic building and loan associations, and similar financial institutions.

PAR. 3. Section 1.451–1 is amended by adding new paragraph (d) immediately after paragraph (c) to read as follows:

§ 1.451–1 General rule for taxable year of inclusion.

* * * * *

(d) *Special rule for ratable inclusion of original issue discount.* For ratable inclusion of original issue discount in respect of certain corporate obligations issued after May 27, 1969, see section 1232(a)(3).

PAR. 4. Section 1.451–2 is amended by revising paragraph (b) to read as follows:

§ 1.451–2 Constructive receipt of income.

* * * * *

(b) *Examples of constructive receipt.* Amounts payable with respect to interest coupons which have matured and are payable but which have not been cashed are constructively received in the taxable year during which the coupons mature, unless it can be shown that there are no funds available for payment of the interest during such year. Dividends on corporate stock are constructively received when unqualifiedly made subject to the demand of the shareholder. However, if a dividend is declared payable on December 31 and the corporation followed its usual practice of paying the dividends by checks mailed so that the shareholders would not receive them until January of the following year, such dividends are not considered to have been constructively received in December. Generally, the amount of dividends or interest credited on savings bank deposits or to shareholders of organizations such as building and loan associations or cooperative banks is income to the depositors or shareholders for the taxable year when credited. However, if any portion of such dividends or interest is not subject to withdrawal at the time credited, such portion is not constructively received and does not constitute income to the depositor or shareholder until the taxable year in which the portion first may be withdrawn. Accordingly, if, under a bonus or forfeiture plan, a portion of the dividends or interest is accumulated and may not be withdrawn until the maturity of the plan, the crediting of such portion to the account of the shareholder or depositor does not constitute constructive receipt. In this case, such credited portion is income to the depositor or shareholder in the year in which the plan matures. However, in the case of certain deposits made after December 31, 1970, in banks, domestic building and loan associations, and similar financial institutions, the ratable inclusion rules of section 1232(a)(3) apply. See § 1.1232–3A. Accrued interest on unwithdrawn insurance policy dividends is gross income to the taxpayer for the first taxable year during which such interest may be withdrawn by him.

PAR. 5. Paragraph (b) of § 1.453–1 is amended by adding a new subparagraph (3) immediately after subparagraph (2) to read as follows:

§ 1.453–1 Installment method of reporting income.

* * * * *

(b) *Income to be reported.* * * *

(3) For purposes of section 453, any amount of original issue discount in respect of certain corporate obligations issued after May 27, 1969, as computed pursuant to paragraph (b)(2)(iii) of § 1.1232–3 (relating to obligations issued in exchange for property) shall not be included as part of the selling price or the total contract price.

PAR. 6. Paragraph (a) of § 1.454–1 is amended by revising the heading and subparagraph (1)(i) to read as follows:

§ 1.454–1 Obligations issued at discount.

(a) *Certain non-interest bearing obligations issued at discount—(1) Election to include increase in income currently.* If a taxpayer owns—

(i) A non-interest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals (other than an obligation issued by a corporation after May 27, 1969, as to which ratable inclusion of original issue discount is required under section 1232(a)(3)), or

* * * * *

PAR. 7. Section 1.483–1 is amended by revising paragraphs (b)(3) and (d)(3) to read as follows:

§ 1.483–1 Computation of interest on certain deferred payments.

* * * * *

(b) *Payments to which section 483 applies* * * *

(3) *Effect of other provisions of law.* If there is total unstated interest under a contract, a portion of each payment to which section 483 applies shall be treated as interest to the extent provided in such section, notwithstanding that some other provision of law (for example, section 1245, relating to gain from dispositions of certain depreciable property) would, without regard to section 483, treat a portion of the payment as ordinary income or in some other manner. In such a case, section 483 shall apply first and the other provision of law shall apply only to the remainder of the payment not treated as interest under section 483. For example, if a portion of a payment is treated as interest under section 483 and such portion would otherwise be treated as gain from the sale or exchange of property which is not a capital asset under section 1232(a)(2)(B) (relating to corporate bonds issued on or before May 27, 1969, and Government bonds), section 483 shall apply first and section 1232(a)(2)(B) shall apply only to the remainder of the payment after the interest portion has been determined. In such case, in order to avoid a double inclusion in income, for purposes of section 1232(b) the "stated redemption price at maturity" shall be reduced by any amount treated as interest under section 483. If, however, with respect to an evidence of indebtedness issued by a corporation after May 27, 1969, any amount of original issue discount is ratably includible in the gross income of the holder under section 1232(a)(3), there will be no unstated interest to which section 483 applies since paragraph (d)(3) of this section provides for a zero test rate of interest for determining whether there is total unstated interest with respect to such an evidence of indebtedness.

* * * * *

(d) *Test of whether there is total interest under a contract.* * * *

(3) *Test rate for certain obligations.* The test rate of interest for determining whether there is total unstated interest shall be zero in the case of—

(i) A contract under which the purchaser is the United States, a State, or any other governmental body described in section 103 (relating to interest on certain governmental obligations), and under which the deferred payments are made pursuant to an obligation to which section 103 applies, or

(ii) An evidence of indebtedness which is issued after May 27, 1969, by a corporation in an exchange for property (other than money) which results under paragraph (b)(2)(iii) of § 1.1232–3 in creating original issue discount subject to ratable inclusion under section 1232(a)(3) in the holder's gross income.

* * * * *

PAR. 8. Section 1.591–1 is amended by revising so much of paragraph (b) as follows subparagraph (2) thereof to read as follows:

§ 1.591–1 Deduction for dividends paid on deposits.

* * * * *

(b) *Serial associations, bonus plans, etc.* * * *

In any taxable year in which the right referred to in subparagraph (2) of this paragraph is exercised, there is includible in the gross income of such taxpayer for such taxable year amounts retained or recovered by the taxpayer pursuant to the exercise of such right. If the provisions of paragraph (a) of § 1.163–4 (relating to deductions for original issue discount) apply to deposits made with respect to a certificate of deposit, time deposit, bonus plan or other deposit arrangement, the provisions of this paragraph shall not apply.

PAR. 9. Section 1.1012–1 is amended by revising paragraph (d) to read as follows:

§ 1.1012–1 Basis of property.

* * * * *

(d) *Obligations issued as part of an investment unit.* For purposes of determining the basis of the individual elements of an investment unit (as defined in paragraph (b)(2)(ii)(*a*) of § 1.1232–3) consisting of an obligation and an option (which is not an excluded option under paragraph (b)(1)(iii)(*c*) of § 1.1232–3), security, or other property, the cost of such investment unit shall be allocated to such individual elements on the basis of their respective fair market values. In the case of the initial issuance of an investment unit consisting of an obligation and an option, security, or other property, where neither the obligation nor the option, security, or other property has a readily ascertainable fair market value, the portion of the cost of the unit which is allocable to the obligation shall be an amount equal to the issue price of the obligation as determined under paragraph (b)(2)(ii)(*a*) of § 1.1232–3.

* * * * *

PAR. 10. Section 1.1016–5 is amended by adding a new paragraph (s) immediately after paragraph (r), to read as follows:

§ 1.1016–5 Miscellaneous adjustments to basis.

* * * * *

(s) *Original issue discount.* In the case of certain corporate obligations issued at a discount after May 27, 1969, the basis shall be increased under section 1232(a)(3)(E) by the amount of original issue discount included in the holder's gross income pursuant to section 1232(a)(3).

PAR. 11. In order to change section 1232(a)(2)(A) and section 1232(a)(2)(A)(ii) wherever they appear in § 1.1037–1 to section 1232(a)(2)(B) and section 1232(a)(2)(B)(ii) respectively, paragraph (a) of § 1.1037–1 is amended by revising paragraph (d) of example (6) of subparagraph (3) and paragraph (d) of example (7) of subparagraph (3), and paragraph (b) of such section is amended by revising subparagraph (1), so much of subparagraph (2) as precedes subdivision (ii) thereof, paragraph (d)(2) of example (1) of subparagraph (4), paragraph (b)(2) of example (3) of subparagraph (4), paragraph (b)(2) of example (4) of subparagraph (4), paragraph (e) of example (5) of subparagraph (4), paragraphs (c) and (d) of example (1) of subparagraph (5), and paragraph (c) of example (4) of subparagraph (5). Such amended and revised provisions read as follows:

§ 1.1037–1 Certain exchanges of U.S. obligations.

(a) *Nonrecognition of gain or loss.* * * *

(3) *Illustrations.* * * *

Example (6). * * *

(d) On the sale of the new obligation D realizes a gain of $45 ($1,020 less $975), all of which is recognized by reason of section 1002. Of this gain of $45, the amount of $35 is treated as ordinary income and $10 is treated as long-term capital gain, determined as follows:

(1) Ordinary income under first sentence of sec. 1232(a)(2)(B) on sale of new obligation:	
Stated redemption price of new obligation at maturity	$1,000
Less: Issue price of new obligation under sec. 1232(b)(2)	930
Original issue discount on new obligation	70
Proration under sec. 1232(a)(2)(B)(ii): ($70×60 months/120 months)	35
(2) Long-term capital gain ($45 less $35)	10

Example (7). * * *

(d) On the redemption of the new obligation D realizes a gain of $25 ($1,000 less $975), all of which is recognized by reason of section 1002. Of this gain of $25, the entire amount is treated as ordinary income, determined as follows:

Ordinary income under first sentence of sec. 1232(a)(2)(B) on redemption of new obligation:	
Stated redemption price of new obligation at maturity	$1,000
Less: Issue price of new obligation under sec. 1232(b)(2)	930
Original issue discount on new obligation	70
Proration under sec. 1232(a)(2)(B)(ii): ($70×120 months/120 months), but such amount not to exceed the $25 gain recognized on redemption	25

(b) *Application of section 1232 upon disposition of redemption of new obligation*—(1) *Exchanges involving nonrecognition of gain on obligations issued at a discount.* If an obligation, the gain on which is subject to the first sentence of section 1232(a)(2)(B), because the obligation was originally issued at a discount, is surrendered to the United States in exchange for another obligation and any part of the gain realized on the exchange is not then recognized

because of the provisions of section 1037(a) (or because of so much section 1031(b) as relates to section 1037(a)), the first sentence of section 1232(a)(2)(B) shall apply to so much of such unrecognized gain as is later recognized upon the disposition or redemption of the obligation which is received in the exchange as though the obligation so disposed of or redeemed were the obligation surrendered, rather than the obligation received, in such exchange. See the first sentence of section 1037(b)(1). Thus, in effect that portion of the gain which is unrecognized on the exchange but is recognized upon the later disposition or redemption of the obligation received from the United States in the exchange shall be considered as ordinary income in an amount which is equal to the gain which, by applying the first sentence of section 1232(a)(2)(B) upon the earlier surrender of the old obligation to the United States, would have been considered as ordinary income if the gain had been recognized upon such earlier exchange. Any portion of the gain which is recognized under section 1031(b) upon the earlier exchange and is treated at such time as ordinary income shall be deducted from the gain which is treated as ordinary income by applying the first sentence of section 1232(a)(2)(B) pursuant to this subparagraph upon the disposition or redemption of the obligation which is received in the earlier exchange. This subparagraph shall apply only in a case where on the exchange of United States obligations there was some gain not recognized by reason of section 1037(a) (or so much of section 1031(b) as relates to section 1037(a)); it shall not apply where only loss was unrecognized by reason of section 1037(a).

(2) *Rules to apply when a nontransferable obligation is surrendered in the exchange.* For purposes of applying both section 1232(a)(2)(B) and subparagraph (1) of this paragraph to the total gain realized on the obligation which is later disposed of or redeemed, if the obligation surrendered to the United States in the earlier exchange is a nontransferable obligation described in section 454(a) or (c)—

* * * * *

(4) *Illustrations.* * * *

Example (1). * * *

(d) * * *

(2) Ordinary income under first sentence of sec. 1232(a)(2)(B), applying sec. 1037(b)(1)(B) to sale of new bond:

Stated redemption price of new bond at maturity	$100.00
Less: Issue price of new bond under sec. 1037(b)(1)(B) ($94.50 plus $0 additional consideration paid on exchange)	94.50
Original issue discount on new bond	5.50
Proration under sec. 1232(a)(2)(B)(ii): ($5.50×0 months/120 months)	0

* * * * *

Example (3). * * *

(b) * * *

(2) Ordinary income applicable to new bond (determined as provided in paragraph (d)(2) of example (1), except that the proration of the original issue discount under sec. 1232(a)(2)(B)(ii) amounts to $1.10 ($5.50×24 months/120 months)) 1.10

* * * * *

Example (4). * * *

(b) * * *

(2) Ordinary income applicable to now bond (determined as provided in paragraph (d)(2) of example (1), except that the proration of the original issue discount under sec. 1232(a)(2)(B)(ii) amounts to $5.50 ($5.50×120 months/120 months)) 5.50

* * * * *

Example (5). * * *

(c) Under section 1037(b)(1)(B) the issue price of the series H bonds is $10,000 ($9,760 stated redemption price of the series E bond at time of exchange, plus $240 additional consideration paid). Thus, with respect to the series H bond, there is no original issue discount to which section 1232(a)(2)(B) might apply.

* * * * *

(5) *Exchanges involving nonrecognition of gain or loss on transferable obligations issued at not less than par*— * * *

Example (1). * * *

(c) The basis of the new bond in A's hands, determined under section 1031(d), is $85 (the same as that of the old bond). The issue price of the new bond for purposes of section 1232(a)(2)(B) is considered under section 1037(b)(2) to be $100 (the same issue price as that of the old bond).

(d) * * *

(1) Ordinary income under first sentence of sec. 1232(a)(2)(B), applicable to old bond:

Stated redemption price of old bond at maturity	$100
Less: Issue price of old bond	100
Original issue discount on old bond	0

(2) Ordinary income under first sentence of sec. 1232(a)(2)(B), applying sec. 1037(b)(2) to sale of new bond:

Stated redemption price of new bond at maturity	100
Less: Issue price of new bond under sec. 1037(b)(2)	100
Original issue discount on new bond	0

* * * * *

Example (4). * * *

(c) The basis of the new bond in B's hands, determined under section 1031(d), is $1,000 (the same basis as that of the old bond). The issue price of the new bond for purposes of section 1232(a)(2)(B) is considered under section 1037(b)(2) to be $1,000 (the same issue price as that of the old bond).

* * * * *

PAR. 12. Section 1.1232 is amended by revising subsections (a) and (b)(2) of section 1232 and the historical note to read as follows:

§ 1.1232 Statutory provisions: bonds and other evidences of indebtedness.

SEC. 1232. *Bonds and other evidences of indebtedness*—(a) *General rule.* For purposes of this subtitle, in the case of bonds, debentures, notes, or certificates or other evidences of indebtedness, which are capital assets in the hands of the taxpayer, and which are issued by any corporation, or by any government or political subdivision thereof—

(1) *Retirement.* Amounts received by the holder on retirement of such bonds or other evidences of indebtedness shall be considered as amounts received in exchange therefor (except that in the case of bonds or other evidences of indebtedness issued before January 1, 1955, this paragraph shall apply only to those issued with interest coupons or in registered form, or to those in such form on March 1, 1954).

(2) *Sale or exchange*—(A) *Corporate bonds issued after May 27, 1969.* Except as provided in subparagraph (C), on the sale or exchange of bonds or other evidences of indebtedness issued by a corporation after May 27, 1969, held by the taxpayer more than 6 months, any gain realized shall (except as provided in the following sentence) be considered gain from the sale or exchange of a capital asset held for more than 6 months. If at the time of original issue there was an intention to call the bond or other evidence of indebtedness before maturity, any gain realized on the sale or exchange thereof which does not exceed an amount equal to the original issue discount (as defined in subsection (b)) reduced by the portion of original issue discount previously includible in the gross income of any holder (as provided in paragraph (3)(B)) shall be considered as gain from the sale or exchange of property which is not a capital asset.

(B) *Corporate bonds issued on or before May 27, 1969, and government bonds.* Except as provided in subparagraph (C), on the sale or exchange of bonds or other evidences of indebtedness issued by a governmental or political subdivision thereof after December 31, 1954, or by a corporation after December 31, 1954, and on or before May 27, 1969, held by the taxpayer more than 6 months, any gain realized which does not exceed—

(i) An amount equal to the original issue discount (as defined in subsection (b)), or

(ii) If at the time of original issue there was no intention to call the bond or other evidence of indebtedness before maturity, an amount which bears the same ratio to the original issue discount (as defined in subsection (b)) as the number of complete months that the bond or other evidence of indebtedness was held by the taxpayer bears to the number of complete months from the date of original issue to the date of maturity,

shall be considered as gain from the sale or exchange of property which is not a capital asset. Gain in excess of such amount shall be considered gain from the sale or exchange of a capital asset held more than 6 months.

(C) *Exceptions.* This paragraph shall not apply to—

(i) Obligations the interest on which is not includible in gross income under section 103 (relating to certain governmental obligations), or

(ii) Any holder who has purchased the bond or other evidence of indebtedness at a premium.

(D) *Double inclusion in income not required.* This section shall not require the inclusion of any amount previously includible in gross income.

(3) *Inclusion in income of original issue discount on corporate bonds issued after May 27, 1969*—(A) *General rule.* There shall be included in the gross income of the holder of any bond or other evidence of indebtedness issued by a corporation after May 27, 1969, the ratable monthly portion of original issue discount multiplied by the number of complete months (plus any fractional part of a month determined in accordance with the last sentence of this subparagraph) such holder held such bond or other evidence of indebtedness during the taxable year. Except as provided in subparagraph (B), the ratable monthly portion of original issue discount shall equal the original issued discount (as defined in subsection (b)) divided by the number of complete months from the date of original issue to the stated maturity date of such bond or other evidence of indebtedness. For purposes of this section, a complete month commences with the date of original issue and the corresponding day of each succeeding calendar month (or the last day of a calendar month in which there is no corresponding day); and, in any case where a bond or other evidence of indebtedness is acquired on any other day, the ratable monthly portion of original issue discount for the complete month in which such acquisition occurs shall be allocated between the transferor and the transferee in accordance with the number of days in such complete month each held the bond or other evidence of indebtedness.

(B) *Reduction in case of any subsequent holder.* For purposes of this paragraph, the ratable monthly portion of original issue discount shall not include an amount, determined at the time of any purchase after the original issue of such bond or other evidence of indebtedness, equal to the excess of—

(i) The cost of such bond or other evidence of indebtedness incurred by such holder, over

(ii) The issue price of such bond or other evidence of indebtedness increased by the portion of original discount previously includible in the gross income of any holder (computed without regard to this subparagraph),

divided by the number of complete months (plus any fractional part of a month commencing with the date of purchase) from the date of such purchase to the stated maturity date of such bond or other evidence of indebtedness.

(C) *Purchase defined.* For purposes of subparagraph (B), the term "purchase" means any acquisition of a bond or other evidence of indebtedness, but only if the basis of the bond or other evidence of indebtedness is not determined in whole or in part by reference to the adjusted basis of such bond or other evidence of indebtedness in the hands of the person from whom acquired, or under section 1014(a) (relating to property acquired from a decedent).

(D) *Exceptions.* This paragraph shall not apply to any holder—

(i) Who has purchased the bond or other evidence of indebtedness at a premium, or

(ii) Which is a life insurance company to which section 818(b) applies.

(E) *Basis adjustments.* The basis of any bond or other evidence of indebtedness in the hands of the holder thereof shall be increased by the amount included in his gross income pursuant to subparagraph (A).

(b) *Definitions.* * * *

(2) *Issue price.* In the case of issues of bonds or other evidences of indebtedness registered with the Securities and Exchange Commission, the term "issue price" means the initial offering price to the public (excluding bond houses and brokers) at which price a substantial amount of such bonds or other evidences of indebtedness were sold. In the case of privately placed issues of bonds or other evidence of indebtedness, the issue price of each such bond or other evidence of indebtedness is the price paid by the first buyer of such bond increased by the amount, if any, of tax paid under section 4911 (and not credited, refunded, or reimbursed) on the acquisition of such bond or evidence of indebtedness by the first buyer. For purposes of this paragraph, the terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof. In the case of a bond or other evidence of indebtedness and an option or other security issued together as an investment unit, the issue price for such investment unit shall be determined in accordance with the rules stated in this paragraph. Such issue price attributable to each element of the investment unit shall be that portion thereof which the fair market value of such element bears to the total fair market value of all the elements in the investment unit. The issue price of the bond or other evidence of indebtedness included in such investment unit shall be the portion so allocated to it. In the case of a bond or other evidence of indebtedness, or an investment unit as described in this paragraph (other than a bond or other evidence of indebtedness or an investment unit issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) or an insolvency reorganization within the meaning of section 371, 373, or 374), which is issued for property and which—

(A) Is part of an issue a portion of which is traded on an established securities market, or

(B) Is issued for stock or securities which are traded on an established securities market,

the issue price of such bond or other evidence of the indebtedness or investment unit, as the case may be, shall be the fair market value of such property. Except in cases to which the preceding sentence applies, the issue price of a bond or other evidence of indebtedness (whether or not issued as a part of an investment unit) which is issued for property (other than money) shall be the stated redemption price at maturity.

* * * * *

[Sec. 1232 as amended by secs. 50 and 51, Technical Amendments Act of 1958 (72 Stat. 1642, 1643); sec. 3(e), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 5, Interest Equalization Tax Act (78 Stat. 845); sec. 413 (a) and (b), Tax Reform Act 1969 (83 Stat. 609, 611)]

PAR. 13 Section 1.1232–1 is amended by revising paragraphs (a), (b), and (c), and by adding new paragraph (d) immediately after paragraph (c). These revised and added sections read as follows:

§ 1.1232–1 Bonds and other evidences of indebtedness; scope of section.

(a) *In general.* Section 1232 applies to any bond, debenture, note, or certificate or other evidence of indebtedness (referred to in this section and §§ 1.1232–2 through 1.1232–4 as an obligation) (1) which is a capital asset in the hands of the taxpayer, and (2) which is issued by any corporation, or by any government or political subdivision thereof. In general, section 1232(a)(1) provides that the retirement of an obligation, other than certain obligations issued before January 1, 1955, is considered to be an exchange and, therefore, is usually subject to capital gain or loss treatment. In general, section 1232(a)(2)(B) provides that in the case of a gain realized on the sale or exchange of certain obligations issued at a discount after December 31, 1954, which are either corporate bonds issued on or before May 27, 1969, or government bonds, the amount of gain equal to such discount or, under certain circumstances, the amount of gain equal to a specified portion of such discount, constitutes ordinary income. In the case of certain corporate obligations issued after May 27, 1969, in general, section 1232(a)(3) provides for the inclusion as interest in gross income of a ratable portion of original issue discount for each taxable year over the life of the obligation, section 1232(a)(3)(E) provides for an increase in basis equal to the original issue discount included in gross income, and section 1232(a)(2)(A) provides that any gain realized on such an obligation held more than 6 months shall be considered gain from the sale or exchange of a capital asset held more than 6 months. For the requirements for reporting original issue discount on certain obligations issued after May 27, 1969, see section 6049(a) and the regulations thereunder. Section 1232(c) treats as ordinary income a portion of any gain realized upon the disposition of (i) coupon obligations which were acquired after August 16, 1954, and before January 1, 1958, without all coupons maturing more than 12 months after purchase attached, and (ii) coupon obligations which were acquired after December 31, 1957, without all coupons maturing after the date of purchase attached.

(b) *Requirement that obligations be capital assets.* In order for section 1232 to be applicable, an obligation must be a capital asset in the hands of the taxpayer. See section 1221 and the regulations thereunder. Obligations held by a dealer in securities (except as provided in section 1236) or obligations arising from the sale of inventory or personal services by the holder are not capital assets. However, obligations held by a financial institution, as defined in section 582(c) (relating to treatment of losses and gains on bonds of certain financial institutions) for investment and not primarily for sale to customers in the ordinary course of the financial institution's trade or business, are capital assets. Thus, with respect to obligations held as capital assets by such a financial institution which are corporate obligations to which section 1232(a)(3) applies, there is ratable inclusion of original issue discount as interest in gross income under paragraph (a) of § 1.1232–3A, and gain on a sale or exchange (including retirement) may be subject to ordinary income treatment under section 582(c) and paragraph (a)(1) of § 1.1232–3.

(c) [Reserved].

(d) *Certain deposits in financial institutions.* For purposes of section 1232, this section and §§ 1.1232–2 through 1.1232–4,

the term "other evidence of indebtedness" includes certificates of deposit, time deposits, bonus plans, and other deposit arrangements with banks, domestic building and loan associations, and similar financial institutions. For application of section 1232 to such deposits, see paragraph (e) of § 1.1232–3A. However, section 1232, this section, and §§ 1.1232–2 through 1.1232–4 shall not apply to such deposits made prior to January 1, 1971.

PAR. 14. Section 1.1232–2 is amended by revising such section to read as follows:

§ 1.1232–2 Retirement.

Section 1232(a)(1) provides that any amount received by the holder upon the retirement of an obligation shall be considered as an amount received in exchange therefor. However, section 1232(a)(1) does not apply in the case of an obligation issued before January 1, 1955, which was not issued with interest coupons or in registered form on March 1, 1954. For treatment of gain on an obligation held by certain financial institutions, see section 582(c) and paragraph (a)(1)(iii) of § 1.1232–3.

PAR. 15. Section 1.1232–3 is amended by revising paragraph (a), paragraph (b)(1), paragraph (b)(2) (i) and (ii) (*a*) and (*c*), example (1), part (1) of example (2) and example (3) of paragraph (b)(2)(ii)(*d*), by adding new subdivisions (iii) and (iv) to paragraph (b)(2), by revising so much of paragraph (c) as precedes example (1) of such paragraph, and by revising paragraphs (d), (e), and (f). These revised and added provisions read as follows:

§ 1.1232–3 Gain upon sale or exchange of obligations issued at a discount after December 31, 1954.

(a) *General rule; sale or exchange—*(1) *Obligations issued by a corporation after May 27, 1969*—(i) *General rule.* Under section 1232(a)(2)(A), in the case of gain realized upon the sale or exchange of an obligation issued at a discount by a corporation after May 27, 1969 (other than an obligation subject to the transitional rule of subparagraph (4) of this paragraph), and held by the taxpayer for more than 6 months—

(*a*) If at the time of original issue there was no intention to call the obligation before maturity, such gain shall be considered as long-term capital gain, or

(*b*) If at the time of original issue there was an intention to call the obligation before maturity, such gain shall be considered ordinary income to the extent it does not exceed the excess of—

(*1*) An amount equal to the entire "original issue discount", over

(*2*) An amount equal to the entire "original issue discount" multiplied by a fraction the numerator of which is the sum of the number of complete months and any fractional part of a month elapsed since the date of original issue and the denominator of which is the number of complete months and any fractional part of a month from the date of original issue to the stated maturity date.

The balance, if any, of the gain shall be considered as long-term capital gain. The amount described in (*2*) of this subdivision (*b*) in effect reduces the amount of original issue discount to be treated as ordinary income under this subdivision (*b*) by the amounts previously includible (regardless of whether included) by all holders (computed, however, as to any holder without regard to any purchase allowance under paragraph (a)(2)(ii) of § 1.1232–3A and without regard to whether any holder purchased at a premium as defined in paragraph (d)(2) of this section).

(ii) *Cross references.* For definition of the terms "original issue discount" and "intention to call before maturity", see paragraph (b)(1) and (4) respectively of this section. For definition of the term "date of original issue", see paragraph (b)(3) of this section. For computation of the number of complete months and any fractional portion of a month, see paragraph (a)(3) of § 1.1232–3A.

(iii) *Effect of section 582(c).* Gain shall not be considered to be long-term capital gain under subdivision (i) of this subparagraph if section 582(c) (relating to treatment of losses and gains on bonds of certain financial institutions) applies.

(2) *Examples.* The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1970, A, a calendar-year taxpayer, purchases at original issue for cash of $7,600, M Corporation's 10-year, 5 percent bond which has a stated redemption price at maturity of $10,000. On January 1, 1972, A sells the bond to B, for $9,040. A has previously included $480 of the original issue discount in his gross income (see example (1) of paragraph (d) of § 1.1232–3A) and increased his basis in the bond by that amount to $8,080 (see paragraph (c) of § 1.1232–3A). Thus, if at the time of original issue there was no intention to call the bond before maturity, A's gain of $960 (amount realized, $9,040, less adjusted basis, $8,080) is considered long-term capital gain.

Example (2). (i) Assume the same facts as in example (1), except that at the time of original issue there was an intention to call the bond before maturity. The amount of the entire gain includible by A as ordinary income under subparagraph (1)(ii) of this paragraph is determined as follows:

(1) Entire original issue discount (stated redemption price at maturity, $10,000, minus issue price, $7,600)	$2,400
(2) Less: Line (1), $2,400, multiplied by months elapsed since date of original issue, 24, divided by months from such date to stated maturity date, 120	480
(3) Maximum amount includible by A as ordinary income	$1,920

Since the amount in line (3) is greater than A's gain, $960, A's entire gain is includible as ordinary income.

(ii) On January 1, 1979, B, a calendar-year taxpayer sells the bond to C for $10,150. Assume that B has included $120 of original issue discount in his gross income for each taxable year he held the bond (see example (2) of paragraph (d) of § 1.1232–3A) and therefore increased his basis by $840 (*i.e.*, $120 each year × 7 years) to $9,880. B's gain is therefore $270 (amount realized, $10,150, less basis, $9,880). The amount of such gain includible by B as ordinary income under subparagraph (1)(ii) of this paragraph is determined as follows:

(1) Entire original issue discount (as determined in part (i) of this example)	$2,400
(2) Less: Line (1), $2,400, multiplied by months elapsed since date of original issue, 108, divided by months from such date to stated maturity date, 120	$2,160
(3) Maximum amount includible by B as ordinary income	$ 240

Since the amount in line (3) is less than B's gain, $270, only $240 of B's gain is includible as ordinary income. The remaining portion of B's gain, $30, is considered long-term capital gain.

(3) *Obligations issued by a corporation on or before May 27, 1969, and government obligations.* Under section 1232(a)(2)(B), if gain is realized on the sale or exchange after December 31, 1957, of an obligation held by the taxpayer more than 6 months, and if the obligation either was issued at a discount after December 31, 1954, and on or before May 27, 1969, by a corporation or was issued at a discount after December 31, 1954, by or on behalf of the United States or a foreign country, or a political subdivision of either, then such gain shall be considered ordinary income to the extent it does not exceed—

(i) An amount equal to the entire "original issue discount", or

(ii) If at the time of original issue there was no intention to call the obligation before maturity, a portion of the "original issue discount" determined in accordance with paragraph (c) of this section,

and the balance, if any, of the gain shall be considered as long-term capital gain. For the definition of the terms "original issue discount" and "intention to call before maturity", see paragraph (b)(1) and (4) respectively of this section. See section 1037(b) and paragraph (b) of § 1.1037–1 for special rules which are applicable in applying section 1232(a)(2)(B) and this subparagraph to gain realized on the disposition or redemption of obligations of the United States which were received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)).

(4) *Transitional rule.* Subparagraph (3) of this paragraph (in lieu of subparagraph (1) of this paragraph) shall apply to an obligation issued by a corporation pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter.

(5) *Obligations issued after December 31, 1954, and sold or exchanged before January 1, 1958.* Gain realized upon the

sale or exchange before January 1, 1958, of an obligation issued at a discount after December 31, 1954, and held by the taxpayer for more than 6 months, shall be considered ordinary income to the extent it equals a specified portion of the "original issue discount", and the balance, if any, of the gain shall be considered as long-term capital gain. The term "original issue discount" is defined in paragraph (b)(1) of this section. The computation of the amount of gain which constitutes ordinary income is illustrated in paragraph (c) of this section.

(6) *Obligations issued before January 1, 1955.* Whether gain representing original issue discount realized upon the sale or exchange of obligations issued at a discount before January 1, 1955, is capital gain or ordinary income shall be determined without reference to section 1232.

(b) *Definitions*—(1) *Original issue discount*—(i) *In general.* For purposes of section 1232, the term "original issue discount" means the difference between the issue price and the stated redemption price at maturity. The stated redemption price is determined without regard to optional call dates.

(ii) *De minimis rule.* If the original issue discount is less than one-fourth of 1 percent of the stated redemption price at maturity multiplied by the number of full years from the date of original issue to maturity, then the discount shall be considered to be zero. For example, a 10-year bond with a stated redemption price at maturity of $100 issued at $98 would be regarded as having an original issue discount of zero. Thus, any gain realized by the holder would be a long-term capital gain if the bond was a capital asset in the hands of the holder and held by him for more than 6 months. However, if the bond were issued at $97.50 or less, the original issue discount would not be considered zero.

(iii) *Stated redemption price at maturity*—(a) *Definition.* Except as otherwise provided in this subdivision (iii), the term "stated redemption price at maturity" means the amount fixed by the last modification of the purchase agreement, including dividends, interest, and any other amounts, however designated, payable at that time. If any amount based on a fixed rate of simple or compound interest is actually payable or will be treated as constructively received under section 451 and the regulations thereunder at fixed periodic intervals of 1 year or less during the entire term of the obligation, any such amount payable at maturity shall not be included in determining the stated redemption price at maturity. Thus, for example, assume that a note which promises to pay $1,000 at the end of 3 years provides for additional amounts labeled as interest to be paid at the rate of $50 at the end of the first year, $50 at the end of the second year, and $120 at the end of the third year. The stated redemption price at maturity will be $1,070 since only $50 of the $120 payable at the end of the third year is based on a fixed rate of simple or compound interest. If, however, the $120 were payable at the end of the second year, so that only $50 in addition to principal would be payable at the end of the third year, then under the rule for serial obligations contained in subparagraph (2)(iv)(c) of this paragraph, the $1,000 note is treated as consisting of two series. The first series is treated as maturing at the end of the second year at a stated redemption price of $70. The second series is treated as maturing at the end of the third year at a stated redemption price of $1,000. For the calculation of issue price and the allocation of original issue discount with respect to each such series, see example (3) of subparagraph (2)(iv)(f) of this paragraph.

(b) *Special rules.* In the case of face-amount certificates, the redemption price at maturity is the price as modified through changes such as extensions of the purchase agreement and includes any dividends which are payable at maturity. In the case of an obligation issued as part of an investment unit consisting of such obligation and an option (which is not excluded by (c) of this subdivision (iii)), security, or other property, the term "stated redemption price at maturity" means the amount payable on maturity in respect of the obligation, and does not include any amount payable in respect of the option, security, or other property under a repurchase agreement or option to buy or sell the option, security, or other property. For application of this subdivision to certain deposits in financial institutions, see paragraph (e) of § 1.1232–3A.

(c) *Excluded option.* An option is excluded by this subdivision (c) if it is an option to which paragraph (a) of § 1.61–15 applies or if it is an option, referred to in paragraph (a) of § 1.83–7, granted in connection with performance of services to which section 421 does not apply.

(iv) *Carryover of original issue discount.* If in pursuance of a plan of reorganization an obligation is received in an exchange for another obligation, and if gain or loss is not recognized in whole or in part on such exchange of obligations by reason, for example, of section 354 or 356, then the obligation received shall be considered to have the same original issue discount as the obligation surrendered reduced by the amount of gain (if any) recognized as ordinary income upon such exchange of obligations. If inclusion as interest of the ratable monthly portion of original issue discount is required under section 1232(a)(3) with respect to the obligation received, see paragraph (a)(2)(iii) of § 1.1232–3A for computation of the ratable monthly portion of original issue discount. For special rules in connection with certain exchanges of U.S. obligations, see section 1037.

(2) *Issue price defined*—(i) *In general.* The term "issue price" in the case of obligations registered with the Securities and Exchange Commission means the initial offering price to the public at which price a substantial amount of such obligations were sold. For this purpose, the term "the public" does not include bond houses and brokers, or similar persons or organizations acting in the capacity of underwriters or wholesalers. Ordinarily, the issue price will be the first price at which the obligations were sold to the public, and the issue price will not change if, due to market developments, part of the issue must be sold at a different price. When obligations are privately placed, the issue price of each obligation is the price paid by the first buyer of the particular obligation, irrespective of the issue price of the remainder of the issue. In the case of an obligation issued by a foreign obligor, the issue price shall be increased by the amount, if any, of interest equalization tax paid under section 4911 (and not credited, refunded, or reimbursed) on the acquisition of the obligation by the first buyer. In the case of an obligation which is convertible into stock or another obligation, the issue price includes any amount paid in respect of the conversion privilege. However, in the case of an obligation issued as part of an investment unit (as defined in subdivision (ii)(a) of this subparagraph), the issue price of the obligation includes only that portion of the initial offering price or price paid by the first buyer properly allocable to the obligation under the rules prescribed in subdivision (ii) of this subparagraph. The terms "initial offering price" and "price paid by the first buyer" include the aggregate payments made by the purchaser under the purchase agreement, including modifications thereof. Thus, all amounts paid by the purchaser under the purchase agreement or a modification of it are included in the issue price (but in the case of an obligation issued as part of an investment unit, only to the extent allocable to such obligation under subdivision (ii) of this subparagraph), such as amounts paid upon face-amount certificates or installment trust certificates in which the purchaser contracts to make a series of payments which will be returnable to the holder with an increment at a later date.

(ii) *Investment units consisting of obligations and property*—(a) *In general.* An investment unit, within the meaning of this subdivision (ii) and for purposes of section 1232, consists of an obligation and an option, security, or other property. For purposes of this subparagraph, the initial offering price of an investment unit shall be allocated to the individual elements of the unit on the basis of their respective fair market values. However, if the fair market value of the option, security, or other property is not readily ascertainable (within the meaning of paragraph (c) of § 1.421–6), then the portion of the initial offering price or price paid by the first buyer of the unit which is allocable to the obligation issued as part of such unit shall be ascertained as of the time of acquisition of such unit by reference to the assumed price at which such obligation would have been issued had it been issued

apart from such unit. The assumed price of the obligation shall be ascertained by comparison to the yields at which obligations of a similar character which are not issued as part of an investment unit are sold in arm's length transactions, and by adjusting the price of the obligation in question to this yield. The adjustment may be made by subtracting from the face amount of the obligation the total present value of the interest foregone by the purchaser as a result of purchasing the obligation at a lower yield as part of an investment unit. In most cases, assumed price may also be determined in a similar manner through the use of standard bond tables. Any reasonable method may be used in selecting an obligation for comparative purposes. Obligations of the same grade and classification shall be used to the extent possible, and proper regard shall be given, with respect to both the obligation in question and the comparative obligation, to the solvency of the issuer, the nature of the issuer's trade or business, the presence and nature of security for the obligation, the geographic area in which the loan is made, and all other factors relevant to the circumstances. An obligation which is convertible into stock or another obligation must not be used as a comparative obligation (except where the investment unit contains an obligation convertible into stock or another obligation), since such an obligation would not reflect the yield attributable solely to the obligation element of the investment unit.

* * * * *

(c) *Cross references.* For rules relating to the deductibility by the issuing corporation of bond discount resulting from an allocation under the rule stated in (a) of this subdivision, see §§ 1.163–3 and 1.163–4. For rules relating to the basis of obligations and options, securities, or other property acquired in investment units, see § 1.1012–1(d). For rules relating to certain reporting requirements with respect to options acquired in connection with evidences of indebtedness and for the tax treatment of such options, see § 1.61–15, and section 1234 and the regulations thereunder. With respect to the tax consequences to the issuing corporation upon the exercise of options issued in connection with evidences of indebtedness to which this section applies, see section 1032 and the regulations thereunder.

(d) *Examples.* The application of the principles set forth in this subdivision (ii) may be illustrated by the following examples in each of which it is assumed that there was no intention to call the note before maturity:

Example (1). M Corporation is a small manufacturer of electronic components located in the southwestern United States. On January 1, 1969, in consideration for the payment of $41,500, M issues to X its unsecured note for $40,000 together with warrants to purchase 3,000 shares of M stock at $10 per share at any time during the term of the note. The note is payable in 4 years and provides for interest at the rate of 5 percent per year, payable semiannually. The fair market values of the note and the warrants are not readily ascertainable. Assume that companies in the same industry as M Corporation, and similarly situated both financially and geographically, are generally able to borrow money on their unsecured notes at an annual interest rate of 6 percent. Using a present value table, the calculation of the issue price of a 5 percent, 4 year, $40,000 note, discounted to yield 6 percent compounded semiannually is made as follows:

(1) Semiannual interest period	(2) Amount payable at 5 percent	(3) Factor for present value discounted at 3 percent per period	(2)×(3) Present value of payment
1	$1,000	0.9709	$970.90
2	1,000	.9426	942.60
3	1,000	.9151	915.10
4	1,000	.8885	888.50
5	1,000	.8626	862.60
6	1,000	.8375	837.50
7	1,000	.8131	813.10
8	1,000	.7894	789.40
8	40,000	.7894	31,576.00
Total present value of note discounted at 6 percent, compounded semiannually			38,595.70

The same result may be reached through the use of a standard bond table or by the following present value calculation:

Present value of annuity of $1,000 payable over 8 periods at 3 percent per period=1000 ×7.0197=	$7,019.70
Add: Present value of principal (as calculated above)	31,576.00
Total	$38,595.70

Accordingly, the assumed price at which M's note would have been issued had it been issued without stock purchase warrants, i.e., that portion of the $41,500 price paid by X which is allocable to M's note, is $38,596 (rounded). Since the price payable on redemption of M's note at maturity is $40,000, the original issue discount on M's note is $1,404 ($40,000 minus $38,596). Under the rules stated in § 1.163–3, M is entitled to a deduction, to be prorated or amortized over the life of the note, equal to this original issue discount on the note. The excess of the price for the unit over the portion of such price allocable to the note, $2,904 ($41,500 minus $38,596), is allocable to and is the basis of the stock purchase warrants acquired by X in connection with M's note. Upon the exercise of X's warrants, M will be allowed no deduction and will have no income. Upon maturity of the note X will receive $40,000 from M, of which $1,404, the amount of the original issue discount, will be taxable as ordinary income. If X were to transfer the note at its face amount to A 2 years after the issue date, X would realize, under section 1232(a)(2)(B), ordinary income of $702 (one-half of $1,404).

Example (2). (*i*) On Januray 1, 1969, N Corporation negotiates with Y, a small business investment company, for a loan in the amount of $51,500 in consideration of which N Corporation issues to Y its unsecured 5-year note for $50,000, together with warrants to purchase 2,000 shares of N stock at $5 per share at any time during the term of the note. The note provides for interest of 6 percent, payable semiannually. The fair market values of the note and warrants are not readily ascertainable. The loan agreement between Y and N contains a provision, agreed to in arms-length bargaining between the parties, that a rate of 7 percent payable semiannually would have been applied to the loan if warrants were not issued as part of the consideration for the loan. The issue price of the note is $47,921 (rounded), determined with the use of a standard bond table, or computed in the manner illustrated in Example (1) or in the following alternative manner:

(1) Interest period	(2) Interest rate differencial (percent)	(3) Principal	(4) Interest foregone for period (1½ percent)	(5) Factor for present value discounted at 3½ percent per period	(4)×(5) Present value of interest foregone
1	1 (7–6)	$50,000	250	0.9662	$241.55
2	1	50,000	250	.9335	233.38
3	1	50,000	250	.9019	225.48
4	1	50,000	250	.8714	217.85
5	1	50,000	250	.8420	210.50
6	1	50,000	250	.8135	203.38
7	1	50,000	250	.7860	196.50
8	1	50,000	250	.7594	189.85
9	1	50,000	250	.7337	183.43
10	1	50,000	250	.7089	177.23
Total present value of interest foregone					$2,079.15
Principal					50,000.00
Less: Total present value of interest foregone					2,079.00
Issue price					47,921.00

The calculation of present value of interest foregone may also be made as follows:

Present value of annuity of $250 discounted for 10 periods at 3½ percent per period=$250×8.3166=$2,079.15.

The total present value of interest foregone, $2,079, is also the original issue discount attributable to the note ($50,000 −$47,921). Under (b) of this subdivision, $47,921). Under (b) of this subdivision, since the agreed assumed rate of interest of 7 percent is not more than 1 percentage point greater than the actual rate payable on the note, determination of the issue price of the note (and original issue discount) based upon such assumed rate will be presumed to be correct and will not be considered clearly erroneous, provided that both N and Y adhere to such determination. Under the rules in § 1.163–3, N is entitled to a deduction, to be prorated or amortized over the life of the note, equal to the original issue discount on the note. The excess of the price paid for the unit over the portion of such price allocable to the note, $3,579 ($51,500 −$47,921) is allocable to and is the basis of the stock purchase warrants acquired by Y in connection with N's note. Upon the exercise or sale of the warrants by Y, N will be allowed no deduction and will

have no income. Upon maturity of the note Y will receive $50,000 from N, of which $2,079, the amount of the original issue discount, will be taxable as ordinary income. If Y were to transfer the note at its face value to B 2½ years after the issue date, Y would realize, under section 1232(a)(2)(B), ordinary income of $1,039.50 (one-half of $2,079).

* * * * *

Example (3). O Corporation is a small advertising company located in the northeastern United States. Z is a tax-exempt organization. In consideration for the payment of $60,000, O issues to Z, in a transaction not within the scope of section 503(c), its unsecured 5-year note for $60,000, together with warrants to purchase 6,000 shares of O stock at $10 per share at any time during the term of the note. The note is subject to quarterly amortization at the rate of $3,000 per quarter, and provides for interest on the outstanding unpaid balance at an annual rate of 6 percent payable quarterly (1½ percent per quarter). The fair market values of the notes and warrants are not readily ascertainable. The loan agreement between O and Z contains a recital that if the $60,000 note had been issued without the warrants only $45,000 would have been paid for it. An examination of relevant facts indicates that companies in the same industry as O Corporation, and similarly situated both financially and geographically, are able to borrow money on their unsecured notes at an annual interest cost of 8½ percent payable quarterly (2⅛ percent per quarter). By reference to a present value table, it is found that the present value of O's note discounted to yield 8½ percent compounded quarterly is $56,608 (rounded). The computation is as follows:

(1) Quarterly interest period	(2) Principal payable	(3) Interest payable (1½ percent)	(4) Total amount payable (2)+(3)	(5) Factor for present value discounted at 2⅛ percent per quarter	(6) Present value of total payment (4)×(5)
1	$3,000	$900	$3,900	0.9792	$3,818.88
2	3,000	855	3,855	.9588	3,696.17
3	3,000	810	3,810	.9389	3,577.21
4	3,000	765	3,765	.9193	3,461.16
5	3,000	720	3,720	.9002	3,348.74
6	3,000	675	3,675	.8815	3,239.51
7	3,000	630	3,630	.8631	3,133.05
8	3,000	585	3,585	.8452	3,030.04
9	3,000	540	3,540	.8276	2,929.70
10	3,000	495	3,495	.8104	2,832.35
11	3,000	450	3,450	.7935	2,737.58
12	3,000	405	3,405	.7770	2,645.69
13	3,000	360	3,360	.7608	2,556.29
14	3,000	315	3,315	.7450	2,469.68
15	3,000	270	3,270	.7295	2,385.47
16	3,000	225	3,225	.7143	2,303.62
17	3,000	180	3,180	.6994	2,224.09
18	3,000	135	3,135	.6849	2,147.16
19	3,000	90	3,090	.6706	2,072.15
20	3,000	45	3,045	.6567	1,999.65
Total					56,608.19

This amount ($56,608) is the assumed price at which the note would have been issued had it been issued without stock purchase warrants. The assumed price of $45,000 agreed to by the parties is not presumed to be correct since it is less than the face value adjusted to a yield which is one percentage point greater than the actual rate of interest payable on the obligation. The parties did not have adverse interests in agreeing upon an assumed price (since an excessively large amount of original issue discount would benefit O, the borrower, without adversely affecting Z, an exempt organization which would pay no tax on original issue discount income), and the price agreed to appears to be clearly erroneous when compared to the $56,608 assumed issue price determined under the principles of (a) of this subdivision. Since the maturity value of O's note is $60,000, the original issue discount on O's note is $3,392 ($60,000 minus $56,608). Under the rules in § 1.163-3, O is entitled to a deduction, to be prorated or amortized over the life of the note, equal to this original issue discount on the note. The excess of the price paid for the unit over the portion of such price allocable to the note, $3,392 ($60,000 minus $56,608), is allocable to and is the basis of the stock purchase warrants acquired by Z in connection with O's note. Upon the exercise or sale of the warrants by Z, O will be allowed no deduction and will have no income.

(iii) *Issuance for property after May 27, 1969—(a) In general.* Except as provided in (b) of this subdivision, if an obligation or an investment unit is issued for property other than money, the issue price of such obligation shall be the stated redemption price at maturity and, therefore, no original issue discount is created as a result of the exchange. However, in such case, there may be an amount treated as interest under section 483. In the case of certain exchanges of obligations of the United States for other such obligations, see section 1037 for the determination of the amount of original issue discount on the obligation acquired in the exchange. For carryover of original issue discount in the case of certain exchanges of obligations, see subparagraph (1)(iv) of this paragraph.

(b) *Exceptions for original issue discount.* If an obligation or investment unit is issued for property in an exchange which is not pursuant to a plan of reorganization referred to in (d) of this subdivision, and if—

(1) The obligation or investment unit is part of an issue a portion of which is traded on an established securities market, or

(2) The property for which such obligation or investment unit is issued is stock or securities which are traded on an established securities market,

then the issue price of the obligation or investment unit shall be the fair market value of the property for which such obligation or investment unit is issued, as determined under (c) of this subdivision. Such issue price shall control for purposes of determining the amount realized by the person exchanging the property for the obligation or unit issued and the bases of the property acquired by the holder and issuer.

(c) *Determination of fair market value in cases to which (b) of this subdivision applies.* In general, the fair market value of the property for which the obligation or investment unit is issued shall be deemed to be the same as the fair market value of such obligation or investment unit, determined by reference to that portion of the issue, of which such obligation or unit is a part, which is traded on an established securities market. If, however, the obligation or investment unit is not part of an issue a portion of which is traded on an established securities market, but the property for which the obligation or investment unit is issued is stock or securities which are traded on an established securities market, the fair market value of such property shall be the fair market value of such stock or securities. For purposes of this subdivision (c), the fair market value shall be determined as provided in § 20.2031-2 of this chapter (Estate Tax Regulations) but without applying the blockage and other special rules contained in paragraph (e) thereof.

(d) *Not in reorganization.* An exchange which is not pursuant to a reorganization referred to in this subdivision (d) is an exchange in which the obligation or investment unit is not issued pursuant to a plan of reorganization within the meaning of section 368(a)(1) or pursuant to an insolvency reorganization within the meaning of section 371, 373, or 374. Thus, for example, no original issue discount is created on an obligation issued in a recapitalization within the meaning of section 368(a)(1)(E). Similarly, no original issue discount is created on an obligation issued in an exchange, pursuant to a plan of reorganization, to which section 361 applies regardless of the income tax consequences to any person who pursuant to such plan is the ultimate recipient of the obligation. The application of section 351 shall not preclude the creation of original issue discount. For carryover of original issue discount in the case of an exchange of obligations pursuant to a plan of reorganization, see subparagraph (1)(iv) of this paragraph.

(e) *Effective date.* Determinations with respect to obligations issued on or before May 27, 1969, or pursuant to a written commitment which was binding on that date and at all times thereafter, shall be made without regard to this subdivision (iii).

(iv) *Serial obligations—(a) In general.* If an issue of obligations which matures serially is issued by a corporation, and if on the basis of the facts and circumstances in such case an independent issue price for each particular maturity can be established, then the obligations with each particular maturity shall be considered a separate series, and the obligations of each such series shall be treated as a separate issue with a separate issue price, maturity date, and stated redemption price at maturity. The ratable monthly portion of original issue

discount attributable to each obligation within a particular series shall be determined and ratably included as interest in gross income under the rules of § 1.1232–3A.

(b) *Issue price not independently established.* If a separate issue price cannot be established with respect to each series of an issue of obligations which matures serially, the issue price for each obligation of each series shall be its stated redemption price at maturity minus the amount of original issue discount allocated thereto in accordance with (d) of this subdivision. The amount of original issue discount so allocated shall be ratably included as interest in gross income under rules of § 1.1232–3A.

(c) *Single obligation.* If a single corporate obligation provides for payments (other than payments which would not be included in the stated redemption price at maturity under subparagraph (1)(iii) of this paragraph) in two or more installments, the provisions of (b) of this subdivision shall be applied by treating such obligation as an issue of obligations consisting of more than one series each of which matures on the due date of each such installment payment.

(d) *Allocation of discount.* For purposes of (b) and (c) of this subdivision, the original issue discount with respect to each series of an issue shall be the total original issue discount for the issue multiplied by a fraction—

(1) The numerator of which is the product of (i) the stated redemption price of such series and (ii) the number of complete years (and any fraction thereof) constituting the period for such series from the date of original issue (as defined in paragraph (b)(3) of this section) to its stated maturity date, and

(2) The denominator of which is the sum of the products determined in (1) of this subdivision (d) with respect to each such series.

If a series consists of more than one obligation, the original issue discount allocated to such series shall be apportioned to such obligations in proportion to the stated redemption price of each. Computations under this subdivision (d) may be made using periods other than years, such as, for example, months or periods of 3 months.

(e) *Effective date.* The provisions of this subdivision (iv) shall apply with respect to corporate obligations issued after [insert date on which notice of proposed rule making is published in FEDERAL REGISTER]. However, no inference shall be drawn from the preceding sentence with respect to serial obligations issued prior to such date.

(f) *Examples.* The provisions of this subdivision (iv) may be illustrated by the following examples:

Example (1). On January 1, 1972, P Corporation issued a note with a total face value of $100,000 to B for cash of $94,000. The terms of the note provide that $50,000 is payable on December 31, 1973, and the other $50,000 on December 31, 1975. Each payment is treated as the stated redemption price of a series, and the total original issue discount with respect to the note, $6,000, is allocated to each such series as follows:

Year of maturity	1973	1975	Total
(1) Stated redemption price	$50,000	$50,000	
(2) Multiply by years outstanding	2	4	
(3) Product of bond years	$100,000	$200,000	
(4) Sum of products			$300,000
(5) Fractional portion of discount	$100,000	$200,000	
	$300,000	$300,000	
(6) Multiply line (5) by discount for entire issue	$6,000	$6,000	
(7) Discount for each series	$2,000	$4,000	
(8) Issue price (line (1), minus line (7))	$48,000	$46,000	

Example (2). Assume the same facts as in example (1) except that a separate note is issued for each payment. The result is the same as in example (1).

Example (3). On January 1, 1971, Y Bank, a corporation, issues a note to C for $1,000 cash. The terms of the note provide that $50 will be paid at the end of the first year, $120 at the end of the second year, and $1,050 at the end of the third year. Under (c) of this subdivision (iv), the $1,000 note is treated as consisting of two series, the first of which matures at the end of the second year, and the second of which matures at the end of the third year. The issue price and the allocation of original issue discount with respect to each series is computed as follows:

Year of maturity	1972	1973	Total
(1) Stated redemption price	$70	$1,000	
(2) Multiply by years outstanding	2	3	
(3) Product of bond years	$140	$3,000	
(4) Sum of products			$3,140
(5) Fractional portion of discount	$140	$3,000	
	$3,140	$3,140	
(6) Multiply line (5) by discount for entire issue	$70	$70	
(7) Discount for each series	$3.12	$66.88	
(8) Issue price (line 1 minus line (7))	$66.88	$933.12	

* * * * *

(c) *Gain treated as ordinary income in certain cases; computation.* The amount of gain treated as ordinary income under paragraph (a)(3)(ii) or (5) of this section is computed by multiplying the original issue discount by a fraction, the numerator of which is the number of full months the obligation was held by the holder and the denominator of which is the number of full months from the date of original issue to the date specified as the redemption date at maturity. (See paragraph (b)(3) of this section for definition of "date of original issue".) The period that the obligation was held by the taxpayer shall include any period that it was held by another person if, under chapter 1 of the Code, for the purpose of determining gain or loss from a sale or exchange, the obligation has the same basis, in whole or in part, in the hands of the taxpayer as it would have in the hands of such other person. This computation is illustrated by the following examples:

* * * * *

(d) *Exceptions to the general rule—*(1) *In general.* Section 1232(a)(2)(C) provides that section 1232(a)(2) does not apply (i) to obligations the interest on which is excluded from gross income under section 103 (relating to certain government obligations), or (ii) to any holder who purchases an obligation at a premium.

(2) *Premium.* For purposes of section 1232, this section, and § 1.1232–3A, "premium" means a purchase price which exceeds the stated redemption price of an obligation at its maturity. For purposes of the preceding sentence, if an obligation is acquired as part of an investment unit consisting of an option, security, or other property and an obligation, the purchase price of the obligation is that portion of the price paid or payable for the unit which is allocable to the obligation. The price paid for the unit shall be allocated to the individual elements of the unit on the basis of their respective fair market values. However, if the fair market value of the option, security, or other property is not readily ascertainable (within the meaning of paragraph (c) of § 1.421–6), then the price paid for the unit shall be allocated in accordance with the rules under paragraph (b)(2)(ii) of this section for allocating the initial offering price of an investment unit to its elements. If, under chapter 1 of the Code, the basis of an obligation in the hands of the holder is the same, in whole or in part, for the purposes of determining gain or loss from a sale or exchange, as the basis of the obligation in the hands of another person who purchased the obligation at a premium, then the holder shall be considered to have purchased the obligation at a premium. Thus, the donee of an obligation purchased at a premium by the doner will be considered a holder who purchased the obligation at a premium.

(e) *Amounts previously includible in income.* Nothing in section 1232(a)(2) shall require the inclusion of any amount previously includible in gross income. Thus, if an amount was previously includible in a taxpayer's income on account of obligations issued at a discount and redeemable for fixed amounts increasing at stated intervals, or, under section 818(b) (relating to accrual of discount on bonds and other evidences of indebtedness held by life insurance companies), such amount is not again includible in the taxpayer's gross income under section 1232(a)(2). For example, amounts includible in gross income by a cash receipts and disbursements method taxpayer who has made an election under section 454 (a) or (c) (relating to accounting rules for certain obligations issued at a discount to which section 1232(a)(3) does not apply) are not includible in gross income under section 1232(a)(2). In the case of a gain which would

include, under section 1232(a)(2), an amount considered to be ordinary income and a further amount considered long-term capital gain, any amount to which this paragraph applies is first used to offset the amount considered ordinary income. For example, on January 1, 1955, A purchases a 10-year bond which is redeemable for fixed amounts increasing at stated intervals. At the time of original issue, there was no intention to call the bond before maturity. The purchase price of the bond is $75, which is also the issue price. The stated redemption price at maturity of the bond is $100. A elects to treat the annual increase in the redemption price of the bond as income pursuant to section 454(a). On January 1, 1960, A sells the bond for $90. The total stated increase in the redemption price of the bond which A has reported annually as income for the taxable years 1955 through 1959 is $7. The portion of the original issue discount of $25 attributable to this period is $12.50, computed as follows:

$$\frac{\text{60 (months bond is held by A)}}{\text{120 (months from date of original issue to redemption date)}} \times \$25 \text{ (original issue discount)}$$

However, $7, which represents the annual stated increase taken into income, is offset against the amount of $12.50, leaving $5.50 of the gain from the sale to be treated as ordinary income.

(f) *Recordkeeping requirements.* In the case of any obligation held by a taxpayer which was issued at an original issue discount after December 31, 1954, the taxpayer shall keep a record of the issue price and issue date upon or with each obligation (if known to or reasonably ascertainable by him). If the obligation held by the taxpayer is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligation for purposes of applying section 1037(b) and paragraphs (a) and (b) of § 1.1037–1 upon the disposition or redemption of such obligation. The issuer (or in the case of obligations first sold to the public through an underwriter or wholesaler, the underwriter or wholesaler) shall mark the issue price and issue date upon every obligation which is issued at an original issue discount after September 26, 1957, but only if the period between the date of original issue (as defined in paragraph (b)(3) of this section) and the stated maturity date is more than 6 months.

PAR. 16. The following new section is added immediately after § 1.1232–3:

§ 1.1232–3A Inclusion as interest of original issue discount on certain obligations issued after May 27, 1969.

(a) *Ratable inclusion as interest*—(1) *General rule.* Under section 1232(a)(3), the holder of any obligation issued by a corporation after May 27, 1969 (other than an obligation issued by or on behalf of the United States or a foreign country, or a political subdivision of either) shall include as interest in his gross income an amount equal to the ratable monthly portion of original issue discount multiplied by the sum of the number of complete months and any fractional part of a month such holder held the obligation during the taxable year. For increase in basis for amounts included as interest in gross income pursuant to this paragraph, see paragraph (c) of this section. For requirements for reporting original issue discount, see section 6049(a) and the regulations thereunder.

(2) *Ratable monthly portion of original issue discount*—(i) *General rule.* Except when subdivision (ii) of this subparagraph applies, the term "ratable monthly portion of original issue discount" means an amount equal to the original issue discount divided by the sum of the number of complete months (plus any fractional part of a month) beginning on the date of original issue and ending the day before the stated maturity date of such obligation.

(ii) *Reduction for purchase allowance.* With respect to an obligation which has been acquired by purchase (within the meaning of subparagraph (4) of this paragraph), the term "ratable monthly portion of original issue discount" means the lesser of the amount determined under subdivision (i) of this subparagraph or an amount equal to—

(*a*) The excess (if any) of the stated redemption price of the obligation at maturity over its cost to the purchaser divided by

(*b*) The sum of the number of complete months (plus any fractional part of a month) beginning on the date of such purchase and ending the day before the stated maturity date of such obligation.

The amount of the ratable monthly portion within the meaning of this subdivision reflects a purchase allowance provided under section 1232(a)(3)(B) where a purchase is made at a price in excess of the sum of the issue price plus the portion of original issue discount previously includible (regardless of whether included) in the gross income of all previous holders (computed, however, as to such previous holders without regard to any purchase allowance under this subdivision and without regard to whether any previous holder purchased at a premium).

(iii) *Ratable monthly portion upon carryover to new obligation.* In any case in which there is a carryover of original issue discount under paragraph (b)(1)(iv) of § 1.1232–3 from an obligation exchanged to an obligation received in such exchange, the ratable monthly portion of original issue discount in respect of the obligation received shall be computed by dividing the amount of original issue discount carried over by the sum of the number of complete months (plus any fractional part of a month) beginning on the date of the exchange and ending the day before the stated maturity date of the obligation received.

(iv) *Cross references.* For definitions of the terms "original issue discount" and "date of original issue", see subparagraphs (1) and (3) respectively, of § 1.1232–3(b). For definition of the term "premium," see paragraph (d)(2) of § 1.1232–3.

(3) *Determination of number of complete months*—(i) *In general.* For purposes of this section—

(*a*) A complete month and a fractional part of a month commence with the date of original issue and the corresponding day of each succeeding calendar month (or the last day of a calendar month in which there is no corresponding day),

(*b*) If an obligation is acquired on any day other than the date a complete month commences, the ratable monthly portion of original issue discount for the complete month in which the acquisition occurs shall be allocated between the transferor and the transferee in accordance with the number of days in such complete month each held the obligation,

(*c*) In determining the allocation under (*b*) of this subdivision, any holder may treat each month as having 30 days,

(*d*) The transferee, and not the transferor, shall be deemed to hold the obligation during the entire day on the date of acquisition, and

(*e*) The obligor will be treated as the transferee on the date of redemption.

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. On February 22, 1970, A acquires an obligation of X Corporation for which February 1, 1970, is the date of original issue. B acquires the obligation on June 16, 1970. A does not choose to treat each month as having 30 days. Thus, A held the obligation for 3¾ months during 1970, i.e., one-fourth of February (7/28 days), March, April, May, one-half of June (15/30 days). The ratable monthly portion of original issue discount for the obligation is multiplied by 3¾ months to determine the amount included in A's gross income for 1970 pursuant to this paragraph.

(4) *Purchase.* For purposes of this section, the term "purchase" means any acquisition (including an acquisition upon original issue) of an obligation to which this section applies, but only if the basis of such obligation is not determined in whole or in part by reference to the adjusted basis of such obligation in the hands of the person from whom it was acquired or under section 1014 (a) (relating to property acquired from a decedent).

(b) *Exceptions*—(1) *Binding commitment.* Section 1232(a)(3) shall not apply to any obligation issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter.

(2) *Exception for 1-year obligations.* Section 1232 (a)(3) shall not apply to any obligation in respect of which the period between the date of original issue

(as defined in paragraph (b)(3) of § 1.1232–3) and the stated maturity date is 1 year or less. In such case, gain on the sale or exchange of such obligation shall be included in gross income as interest to the extent the gain does not exceed an amount equal to the ratable monthly portion of original issue discount multiplied by the sum of the number of complete months and any fractional part of a month such taxpayer held such obligation.

(3) *Purchase at a premium.* Section 1232(a)(3) shall not apply to any holder who purchased the obligation at a premium (within the meaning of paragraph (d)(2) of § 1.1232–3).

(4) *Life insurance companies.* Section 1232(a)(3) shall not apply to any holder which is a life insurance company to which section 818(b) applies. However, ratable inclusion of original issue discount as interest under section 1232(a)(3) is required by an insurance company which is subject to the tax imposed by section 821 or 831.

(c) *Basis adjustment.* The basis of an obligation in the hands of the holder thereof shall be increased by any amount of original issue discount with respect thereto included as interest in his gross income pursuant to paragraph (a) of this section. See section 1232(a)(3)(E). However, the basis of an obligation shall not be increased by any amount that was includible as interest in gross income under paragraph (a) of this section, but was not actually included by the holder in his gross income.

(d) *Examples.* The provisions of paragraphs (a) through (c) of this section may be illustrated by the following examples:

Example (1). On January 1, 1970, A, a calendar-year taxpayer, purchases at original issue, for cash of $7,000, M Corporation's 10-year, 5-percent bond which has a stated redemption price of $10,000. The ratable monthly portion of original issue discount, as determined under section 1232(a)(3) and this section, to be included as interest in A's gross income for each month he holds such bond is $20, computed as follows:

Original issue discount (stated redemption price, $10,000, minus issue price, $7,600)	$2,400	
Divide by: Number of months from date of original issue to stated maturity date		120 months
Ratable monthly portion	$20	

Assume that A holds the bond for all of 1970 and 1971 and includes as interest in his gross income for each such year an amount equal to the ratable monthly portion, $20, multiplied by the number of months he held the bond each such year, 12 months, or $240. Accordingly, on January 1, 1972, A's basis in the bond will have increased under paragraph (c) of this section by the amount so included, $480 (i.e., $240×2), from his cost, $7,600, to $8,080. For results if A sells the bond on that date, see examples (1) and (2) paragraph (a)(2) of § 1.1232–3.

Example (2). Assume the same facts as in example (1). Assume further that on January 1, 1972, A sells the bond to B, a calendar-year taxpayer for $9,040.

Since B purchased the bond, he determines under paragraph (a)(2)(ii) of this section the amount of the ratable monthly portion he must include as interest in his gross income in order to reflect the amount of his purchase allowance (if any). B determines that his ratable monthly portion is $10, computed as follows:

(1) Stated redemption price at maturity	$10,000	
(2) Minus: B's cost	$9,040	
(3) Excess	$960	
(4) Divide by: Number of months from date of purchase to stated maturity date		96 months
(5) Tentative ratable monthly portion	$10	
(6) Ratable monthly portion as computed in example (2)	$20	

Since line (5) is lower than line (6), B's ratable monthly portion is $10. Accordingly, if B holds the bond for all of 1972, he must include $120 (i.e., ratable monthly portion, $10×12 months) as interest in his gross income.

Example (3). (*1*) Assume the same facts as in example (1). Assume further than on January 1, 1975, A sells the bond to B for $10,150. Under the exception of paragraph (b)(3) of this section, B is not required to include any amount in respect of original issue discount as interest in his gross income since he has purchased the bond at a premium.

(*2*) On January 1, 1979, B sells the bond to C, a calendar-year taxpayer, for $9,940. Since C is now the holder of the bond (and no exception applies to him), he must include as interest in his gross income the ratable monthly portion of original issue determined under section 1232(a)(3) and this section. Since C purchased the bond he determines under paragraph (a)(2)(ii) of this section the amount of the ratable monthly portion he must include as interest in his gross income in order to reflect the amount of his purchase allowance (if any). C determines that his ratable monthly portion is $5, computed as follows:

(1) Stated redemption price at maturity	$10,000	
(2) Minus: C's cost	$9,940	
(3) Excess	$60	
(4) Divide by: Number of months from date of purchase to stated maturity date		12 months
(5) Tentative ratable monthly portion	$5	
(6) Ratable monthly portion as computed in example (1)	$20	

Since line (5) is lower than line (6), C's ratable monthly portion is $5. Accordingly, if C holds the bond for all of 1979, he must include $60 (i.e., ratable monthly portion, $5×12 months) as interest in his gross income. Upon maturity of the bond on January 1, 1980, C will receive $10,000 from M, which under paragraph (c) of this section will equal his adjusted basis (the sum of his cost, $9,940, plus original issue discount included as interest in his gross income, $60).

Example (4). On January 1, 1968, D, a calendar year taxpayer, purchases at original issue, for cash of $8,000, P Corporation's 20-year, 6 percent bond which has a stated redemption price of $10,000 and which will mature on January 1, 1988. The original issue discount with respect to such bond is $2,000. However, the ratable inclusion rules of section 1232(a)(3) do not apply to D, since the bond was issued by P before May 28, 1969. On January 1, 1973, pursuant to a plan of reorganization as defined in section 368(a)(1)(E), and in which no gain or loss is recognized by D under section 354, D's 20-year bond is exchanged for a 10-year, 6 percent bond which also has a stated redemption price of $10,000 but will mature on January 1, 1983. Under paragraph (b)(1)(iv) of § 1.1232–3, the $2,000 of original issue discount is carried over to the new 10-year bond received in such exchange. Since the new bond is an obligation issued after May 27, 1969, D is required to begin ratable inclusion of the $2,000 of discount as interest in his gross income for 1973. The ratable monthly portion of original issue discount, as determined under section 1232(a)(3) to be included as interest in gross income is computed as follows:

Amount of original issue discount carried over	$2,000	
Divide by: Number of complete months beginning on January 1, 1973, and ending on December 31, 1983		120 months
Ratable monthly portion	$16.67	

(e) *Application of section 1232 to certain deposits in financial institutions and similar arrangements*—(1) *In general.* Under paragraph (d) of § 1.1232–1, the term "other evidence of indebtedness" includes certificates of deposit, time deposits, bonus plans, and other deposit arrangements with banks, domestic building and loan associations, and similar financial institutions.

(2) *Adjustments where obligation redeemed before maturity*—(i) *In general.* If an obligation described in subparagraph (1) of this paragraph is redeemed for a price less than the stated redemption price at maturity from a taxpayer who acquired the obligation upon original issue, such taxpayer shall be allowed as a deduction, in computing adjusted gross income, the amount of the original issue discount he included in gross income but did not receive (as determined under subdivision (ii) of this subparagraph). The taxpayer's basis of such obligation (determined after any increase in basis for the taxable year under section 1232(a)(3)(E) by the amount of original issue discount included in the holder's gross income under section 1232(a)(3)) shall be decreased by the amount of such adjustment.

(ii) *Computation.* The amount of the adjustment under subdivision (i) of this subparagraph shall be an amount equal to the excess (if any) of (*a*) the ratable monthly portion of the original issue discount included in the holder's gross income under section 1232(a)(3) for the period he held the obligation, over (*b*) the excess (if any) of the amount received upon the redemption over the issue price. Under paragraph (b)(1)(iii)(*a*) of § 1.1232–3, if any amount based on a fixed rate of simple or compound interest is actually payable or will be treated as constructively received under section 451 and the regulations thereunder at fixed periodic intervals of 1 year

or less during the term of the obligation, any such amount payable upon redemption shall not be included in determining the amount received upon such redemption.

(iii) *Partial redemption.* (*a*) In the case of an obligation (other than a single obligation having serial maturity dates), if a portion of the obligation is redeemed prior to the stated maturity date of the entire obligation, the provisions of this subdivision shall be applied and not the provisions of subdivision (ii) of this subparagraph. In such case, the adjusted basis of the unredeemed portion of the obligation on the date of the partial redemption shall be an amount equal to the adjusted basis of the entire obligation on that date minus the amount paid upon the redemption.

(*b*) If the adjusted basis of the unredeemed portion (as computed under (*a*) of this subdivision) is equal to or in excess of the amount to be received for the unredeemed portion at maturity, no gain or loss shall be recognized at the time of the partial redemption but the holder shall be allowed a deduction, in computing adjusted gross income for the taxable year during which such partial redemption occurs, equal to the amount of such excess (if any), and no further original issue discount will be includible in the holder's gross income under section 1232(a)(3) over the remaining term of the unredeemed portion. In such case, the holder shall decrease his basis in the unredeemed portion (as computed under (*a*) of this subdivision) by the amount of such adjustment.

(*c*) If the adjusted basis of the unredeemed portion (as computed under (*a*) of this subdivision) is less than the redemption price of the unredeemed portion at maturity, a new computation shall be made under paragraph (a) of this section (without regard to the exception for one-year obligations in paragraph (b)(2) of this section) of the ratable monthly portion of original issue discount to be included as interest in the gross income of the holder over the remaining term of the unredeemed portion. For purposes of such computation, the adjusted basis of the unredeemed portion shall be treated as the issue price, the date of the partial redemption shall be treated as the issue date, and the amount to be paid for the unredeemed portion at maturity shall be treated as the stated redemption price.

(3) *Examples.* The application of section 1232 to obligations to which this paragraph applies may be illustrated by the following examples:

Example (1). A is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, he purchases a certificate of deposit from X Bank, a corporation, for $10,000. The certificate of deposit is not redeemable until December 31, 1975, except in an emergency as defined in, and subject to the qualifications provided by, Regulation Q of the Board of Governors of the Federal Reserve. See 12 CFR § 217.4(d). The stated redemption price at maturity is $13,382.26. The terms of the certificate do not expressly refer to any amount as interest. A's certificate of deposit is an obligation to which section 1232 and this paragraph apply. A shall include the ratable portion of original issue discount in gross income for 1971 as determined under section 1232(a)(3). Thus, if A holds the certificate of deposit for the full calendar year 1971, the amount to be included in A's gross income for 1971 is $676.45, that is, 12/60 months, multiplied by the excess of the stated redemption price ($13,382.26) over the issue price ($10,000).

Example (2). Assume the same facts as in example (1), except that the certificate of deposit provides for payment upon redemption at December 31, 1975, of an amount equal to "$10,000, plus 6 percent compound interest from January 1, 1971, to December 31, 1975." Thus, the total amount payable upon redemption in both example (1) and this example is $13,382.26. The certificate of deposit is an obligation to which section 1232 and this paragraph apply and, since the substance of the deposit arrangement is identical to that contained in example (1), A must include the same amount in gross income.

Example (3). Assume the same facts as in example (1), except that the certificate provides for the payment of interest in the amount of $200 on December 31 of each year and $2,000 plus $10,000 (the original amount) payable upon redemption at December 31, 1975. Thus, if A holds the certificate of deposit for the full calendar year 1971, A must include in his gross income for 1971 the $200 interest payable on December 31, 1971, and $400 of original issue discount, that is, 12/60 months multiplied by the excess of the stated redemption price ($12,000) over the issue price ($10,000).

Example (4). B is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, B purchases a 4-year savings certificate from the Y Building and Loan Corporation for $4,000, redeemable on December 31, 1974, for $5,000. On December 31, 1973, Y redeems the certificate for $4,660. Under section 1232(a)(3), B included $250 of original issue discount in his gross income for 1971, $250 for 1972, and includes $250 in his gross income for 1973 for a total of $750. Since the excess of (i) the amount received upon the redemption, $4,660, over (ii) the issue price, $4,000, or $660, is lower than the total amount of original issue discount ($750) included in B's gross income for the period he held the certificate by $90, the $90 will be treated under subparagraph (2) of this paragraph as a deduction in computing adjusted gross income, and accordingly, will decrease the basis of his certificate by such amount. B has no gain or loss upon the redemption, as determined in accordance with the following computation:

Adjusted basis January 1, 1973	$4,500
Increase under section 1232(a)(3)(E)	250
Subtotal	4,750
Decrease under subparagraph (b)(2) of this paragraph	90
Basis upon redemption	4,660
Amount realized upon redemption	4,660
Gain or loss	0

Example (5). On January 1, 1971, C, a cash method taxpayer who uses the calendar year as his taxable year, opens a savings account in Z bank with a $10,000 deposit. Under the terms of the account, interest is made available semiannually at 6 percent annual interest, compounded semiannually. Since all of the interest on C's account in Z Bank is made available semiannually, the stated redemption price at maturity under paragraph (b)(1)(iii)(*a*) of § 1.1232-3 equals the issue price, and, therefore, no original issue discount is reportable by C under section 1232(a)(3). However, C must include the sum of $300 (i.e., ½ × 6% × $10,000) plus $309 (i.e., ½ × 6% × $10,000) or $609, of interest made available during 1971 in his gross income for 1971.

Example (6). (i) D is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, D purchases a $10,000 deferred income certificate from M Bank. Under the terms of the certificate, interest accrues at 6 percent per annum, compounded quarterly. The period of the account is 10 years. In addition, the holder is permitted to withdraw the entire amount of the purchase price at any time (but not interest prior to the expiration of the 10 year term), and upon such a withdrawal of the purchase price, no further interest accrues. If the certificate is held to maturity, the issue price plus accrued interest will aggregate $18,140.18.

(ii) In respect of the certificate, the original issue discount is $8,140.18, determined by subtracting the issue price of the certificate ($10,000) from the stated redemption price at maturity ($18,140.18). Thus, under section 1232(a)(3) the ratable monthly portion of original issue discount is $67.835 (i.e., 1/120 months, multiplied by $8,140.18). Under section 1232(a)(3), D includes $814.02 (i.e., 12 months, multiplied by $67.835) in his gross income for each calendar year the certificate remains outstanding and under section 1232(a)(3)(E) increases his basis by that amount. Thus, on December 31, 1975, D's basis for the certificate is $14,070.10 (i.e., issue price, $10,000, increased by product of $814.02 × 5 years).

(iii) On December 31, 1975, D withdraws the $10,000. Under the terms of the certificate $3,468.55 cannot be withdrawn until December 31, 1980. Under the provisions of subparagraph (2)(iii) of this paragraph, the $10,000 partial redemption shall be treated as follows:

(1) Adjusted basis of obligation at time of partial redemption	$14,070.10
(2) Amount paid upon redemption	10,000.00
(3) Adjusted basis of unredeemed portion (line (1) less line (2))	4,070.10
(4) Amount to be paid for unredeemed portion at maturity (December 31, 1980)	3,468.55
(5) Adjustment in computing adjusted gross income (excess of line (3) over line (4))	601.55

Since the adjusted basis of the unredeemed portion exceeds the amount to be received for the unredeemed portion at maturity, D is allowed a deduction, in computing adjusted gross income, of $601.25 in 1975 and no further original issue discount is includible as interest in his gross income. In addition, D will decrease his basis in the unredeemed portion by $601.25, the amount of such adjustment, from $4,070.10 to $3,468.55.

Example (7). E is a cash method taxpayer who uses the calendar year as his taxable year. On January 1, 1971, E purchases a $10,000 "Bonus Savings Certificate" from N Building and Loan Corporation. Under the terms of the certificate, interest is payable at 5 percent per annum, compounded quarterly, and the period of the account is 3 years. In addition, the certificate provides that if the holder makes no withdrawals of principal or interest during the term of the certificate, a bonus payment equal to 5 percent of the purchase price of the certificate will be paid to the holder of the certificate at maturity. Thus, the amount of the bonus payment is $500 (i.e., 5 percent multiplied by $10,000).

Since the 5 percent annual interest is payable quarterly, the amount of such interest is not included in determining the stated redemption price at maturity under paragraph (b)(1)(iii) of § 1.1232-3. However, since the bonus payment is only payable at maturity, the amount of such bonus is included as part of the stated redemption price at maturity. Thus, the stated redemption price at maturity equals $10,500 (purchase price, $10,000, plus bonus payment, $500). Accordingly, the original issue discount attributable to such certificate equals $500 (stated redemption price at maturity, $10,500, minus issue price, $10,000. Therefore, E must include as interest $166.67 (i.e., 12/36 months, multiplied by the original issue discount, $500) in his gross income for each taxable year he holds the certificate.

PAR. 17. Section 1.1232-4 is amended by revising such section to read as follows:

§ 1.1232-4 Obligations with excess coupons detached.

Section 1232(c) provides that if an obligation which is issued at any time with interest coupons—

(a) Is purchased after August 16, 1954, and before January 1, 1958, and the purchaser does not receive all the coupons which first become payable more than 12 months after the date of the purchase, or

(b) Is purchased after December 31, 1957, and the purchaser does not receive all the coupons which first become payable after the date of purchase,

any gain on the later sale or other disposition of the obligation by the purchaser (or by a transferee of the purchaser whose basis is determined by reference to the basis of the obligation in the hands of the purchaser) shall be treated as ordinary income to the extent that the fair market value of the obligation (determined as of the time of the purchase) with coupons attached exceeds the purchase price. If both the preceding sentence and section 1232(a)(2) apply with respect to the gain realized on the retirement or other disposition of an obligation, then section 1232(a)(2) shall apply only with respect to that part of the gain to which the preceding sentence does not apply. For example, a $100 bond which sells at $90 with all its coupons attached is purchased by A for $80 with 3 years' coupons detached. Three years later, A sells the bond for $92. The first $10 of the $12 profit is taxable as ordinary income. The remaining $2 gain is taxable either as ordinary income or as long-term capital gain, depending upon the application of section 1232(a)(2). Pursuant to section 7851(a)(1)(C), the regulations prescribed in this section shall also apply to taxable years beginning before January 1, 1954, and ending after December 31, 1953, although such years are subject to the Internal Revenue Code of 1939.

PAR. 18. Section 1.6049 is amended by revising subsections (a)(1) and (c) of section 6049 and the historical note to read as follows:

§ 1.6049 Statutory provisions; returns regarding payments of interest.

SEC. 6049. *Returns regarding payments of interest*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of interest (as defined in subsection (b)) aggregating $10 or more to any other person during any calendar year,

(B) Who receives payments of interest as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the interest so received, or

(C) Which is a corporation that has outstanding any bond, debenture, note, or certificate or other evidence of indebtedness in registered form as to which there is during any calendar year an amount of original issue discount aggregating $10 or more includible in the gross income of any holder under section 1232(a)(3) without regard to subparagraph (B) thereof,

shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and such aggregate amount includible in the gross income of any holder and the name and address of the person to whom paid or such holder.

* * * * *

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to, or the aggregate amount includible in the gross income of, the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to, or the aggregate amount includible in the gross income of, such person shown on the return made with respect to subparagraph (A), (B), or (C), as the case may be, of subsection (a)(1) is less than $10.

[Sec. 6049 as added by sec. 19(c), Rev. Act 1962 (76 Stat. 1055); amended by sec. 413 (c) and (d), Tax Reform Act 1969 (83 Stat. 611, 612)]

PAR. 19. Section 1.6049-1 is amended by revising the heading, paragraph (a) is amended by revising so much of subparagraph (1) as follows subdivision (i), by revising subparagraph (2) and (4), and by adding a new subparagraph (5), and paragraphs (b) and (c) are amended by revising each of them. Such amended and revised provisions read as follows:

§ 1.6049-1 Returns of information as to interest paid in calendar years after 1962 and original issue discount includible in gross income for calendar years after 1970.

(a) *Requirement of reporting*—(1) *In general.* * * *

(ii) Every person which is a corporation that has outstanding any bond, debenture, note, or certificate or other evidence of indebtedness (referred to in this section, §§ 1.6049-2, 1.6049-3 as an obligation in registered form issued after May 27, 1969 (other than an obligation issued by a corporation pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter), as to which there is during any calendar year after 1970 an amount of original issue discount (as defined in § 1.6049-2) aggregating $10 or more includible as interest in the gross income for such calendar year of any holder under paragraph (a) of § 1.1232-3A (determined without regard to any reduction under paragraph (a)(2)(ii) of § 1.1232-3A for a purchase allowance and without regard to whether the holder purchased at a premium as defined in paragraph (d)(2) of § 1.1232-3) shall make an information return on Forms 1096 and 1099-OID for such calendar year showing—

(*a*) The name and address of each record holder for whom such aggregate amount of original issue discount is $10 or more,

(*b*) The aggregate amount includible by each such holder for the period during the calendar year he held the obligation,

(*c*) The dates used in computing such aggregate amount,

(*d*) The issue price of the obligation (as defined in paragraph (b)(2) of § 1.1232-3),

(*e*) The stated redemption price of the obligation at maturity (as defined in paragraph (b)(1)(iii) of §1.1232-3),

(*f*) The ratable monthly portion of original issue discount with respect to the obligation as defined in section 1232(a)(3)(A) (determined without regard to a reduction for a purchase allowance or whether the holder purchased at a premium),

(*g*) The name and address of the person filing the form,

(*h*) Such other information as is required by the form, and

(*i*) The sum, for all such holders, of the aggregate amounts of such original issue discount includible for such calendar year for each such holder.

In computing under (*b*) of this subdivision the aggregate amount includible by a holder, the issuing corporation (or an agent acting on its behalf), may, for purposes of Forms 1096 and 1099-OID, use the dates of transfer of the obligation on its record books rather than the holder's actual trade dates. With respect to an issue of obligations, if more than one certificate is held by a holder for the same period of time during a calendar year, and if for each such certificate the amounts or items described in (*b*) through (*f*) of this subdivision are identical, then the issuer may treat all such certificates as representing one obligation for purposes of this subdivision (ii).

(iii) Every person who during a calendar year after 1962 receives payments of interest as a nominee on behalf of another person aggregating $10 or more

shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such interest, the name and address of the person on whose behalf received, the total of such interest received on behalf of all persons, and such other information as is required by the forms.

(iv) Every person who is a nominee on behalf of the actual owner of an obligation as to which there is original issue discount aggregating $10 or more includible in the gross income of such owner during a calendar year after 1970, regardless of whether he receives a Form 1099–OID with respect to such discount, shall make an information return on Forms 1096 and 1087–OID for such calendar year showing in the manner prescribed on such forms the same information for the actual owner as is required in subdivision (ii) of this subparagraph for the record holder, except that a nominee, in computing the amount of such aggregate, shall use such owner's actual trade dates.

(v) Notwithstanding the provisions of subdivisions (iii) and (iv) of this subparagraph, the filing of Form 1087 or Form 1087–OID is not required if—

(*a*) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(*b*) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner; or

(*c*) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return,

but only if the name, address, and identifying number of the record owner are included on or with the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

(2) *Definitions.* (i) The term "person" when used in this section does not include the United States, a State, the District of Columbia, a foreign government, a political subdivision of a State or of a foreign government, or an international organization. Therefore, interest paid by or to one of these entities need not be reported. Similarly, original issue discount in respect of an obligation issued by or to one of these entities need not be reported.

(ii) For purposes of this section, a person who receives interest shall be considered to have received it as a nominee if he is not the actual owner of such interest and if he was required under § 1.6109–1 to furnish his identifying number to the payer of the interest (or would have been so required if the total of such interest for the year had been $10 or more), and such number was (or would have been) required to be included on an information return filed by the payer with respect to the interest. However, a person shall not be considered to be a nominee as to any portion of an interest payment which is actually owned by another person whose name is also shown on the information return filed by the payer or nominee with respect to such interest payment. Thus, in the case of a savings account jointly owned by a husband and wife, the husband will not be considered as receiving any portion of the interest on that account as a nominee for his wife if his wife's name is included on the information return filed by the payer with respect to the interest.

(iii) For purposes of this section, in the case of a person who receives a Form 1099–OID, the determination of who is considered a nominee shall be made in a manner consistent with the principles of subdivision (ii) of this subparagraph.

* * * * *

(4) *Determination of person by whom original issue discount is includible or for whom a Form 1099–OID showing original issue discount is received.* For purposes of applying the provisions of this section, the determination of the person by whom original issue discount is includible or for whom a Form 1099–OID is received shall be made in a manner consistent with the principles of subparagraph (3) of this paragraph.

(5) *Inclusion of other payments.* The Form 1099 filed by any person with respect to payments of interest to another person during a calendar year may, at the election of the maker, include other payments made by him to such other person during such year which are required to be reported on Form 1099. Similarly, the Form 1087 filed by a nominee with respect to payments of interest received by him on behalf of any other person during a calendar year may include payments of dividends received by him on behalf of such person during such year which are required to be reported on Form 1087. However, except as provided in subparagraph (1)(ii) of this paragraph, a separate Form 1087–OID or 1099–OID shall be filed for each obligation in respect of which original issue discount is required to be reported. In addition, any person required to report payments on both Forms 1087, 1087–OID, 1099, and 1099–OID for any calendar year may use one Form 1096 to summarize and transmit such forms.

(b) *When payment deemed made.* For purposes of section 6049, interest is deemed to have been paid when it is credited or set apart to a person without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and is made available to him so that it may be drawn at any time, and its receipt brought within his own control and disposition.

(c) *Time and place for filing*—(1) *Payment of interest.* The returns required under this section for any calendar year for the payment of interest shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

(2) *Original issue discount.* The returns required under this section for any calendar year for original issue discount shall be filed after December 31 of such year and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * *

PAR. 20. Section 1.6049–2 is amended by revising the heading thereof, by revising the heading of paragraph (a), by revising so much of paragraph (a) as precedes subparagraph (2), by adding a new paragraph (b)(6) immediately after paragraph (b)(5), and by adding a new paragraph (c) immediately after paragraph (b). Such revised and added provisions read as follows:

§ 1.6049–2 Interest and original issue discount subject to reporting.

(a) *Interest in general.* Except as provided in paragraph (b) of this section, the term "interest" when used in this section and §§ 1.6049–1 and 1.6049–3 means:

(1) Interest on evidences of indebtedness issued by a corporation in registered form. The phrase "evidences of indebtedness" includes bonds, debentures, notes, certificates and other similar instruments regardless of how denominated. An evidence of indebtedness is in registered form if it is registered as to both principal and interest (or, for purposes of reporting with respect to original issue discount, if it is registered as to principal) and if its transfer must be effected by the surrender of the old instrument and either the reissuance by the corporation of the old instrument to the new holder or the issuance by the corporation of a new instrument to the new holder.

* * * * *

(b) *Exceptions.* * * *

(6) Any amount which is subject to reporting as original issue discount.

* * * * *

(c) *Original issue discount*—(1) *In general.* The term "original issue discount" when used in this section and

§§ 1.6049–1 and 1.6049–3 means original issue discount subject to the ratable inclusion rules of paragraph (a) of § 1.1232–3A, determined without regard to any reduction by reason of a purchase allowance under paragraph (a)(2)(ii) of § 1.1232–3A or a purchase at a premium as defined in paragraph (d)(2) of § 1.1232–3.

(2) *Coordination with interest reporting.* In the case of an obligation issued after May 27, 1969 (other than an obligation issued pursuant to a written commitment which was binding on May 27, 1969, and at all times thereafter), original issue discount which is not subject to the ratable inclusion rules is interest within the meaning of paragraph (a) of this section and original issue discount which is subject to the ratable inclusion rules is not interest within the meaning of such paragraph (a). Thus, for example, if such an obligation has a fixed maturity date not exceeding one year from the date of original issue (as defined in paragraph (b)(3) of § 1.1232–3), the amount of the original issue discount in respect of the obligation shall be reported as interest upon its retirement.

(3) *Exceptions.* Reporting of original issue discount is not required in respect of an obligation which paragraph (b)(2) of this section except from interest reporting.

PAR. 21. Section 1.6049–3 is amended by revising the heading and paragraphs (a), (b), and (c)(1) to read as follows:

§ 1.6049–3 Statements to recipients of interest payments and holders of obligations to which there is attributed original issue discount.

(a) *Requirement.* Every person filing (1) a Form 1099 or 1087 under section 6049(a)(1) and § 1.6049–1 with respect to payments of interest or (2) a Form 1099–OID or 1087–OID with respect to original issue discount includible in gross income shall furnish to the person whose identifying number is (or should be) shown on the form a written statement showing the information required by paragraph (b) of this section. With respect to interest, no statement is required to be furnished under section 6049(c) and this section to any person if the aggregate of the payments to (or received on behalf of) such person shown on the form would be less than $10. With respect to original issue discount, no statement is required to be furnished under section 6049(c) and this section to any person if the aggregate amount of original issue discount includible by such person with respect to the obligation would be less than $10.

(b) *Form of statement*—(1) *In general.* The written statement required to be furnished to a person under paragraph (a) of this section shall show—

(i) With respect to payments of interest (as defined in § 1.6049–2) aggregating $10 or more to any person during a calendar year after 1962—

(*a*) The aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and a legend stating that such amount is being reported to the Internal Revenue Service, and

(*b*) The name and address of the person filing the form, and

(ii) With respect to original issue discount (as defined in § 1.6049–2) aggregating $10 or more includible in the gross income of any holder during a calendar year after 1970—

(*a*) The aggregate amount includible by (or on behalf of) such person with respect to the obligation as shown on Form 1099–OID or Form 1087–OID for such calendar year,

(*b*) All other items shown on such Form 1099–OID or Form 1087–OID for such calendar year, and

(*c*) A legend stating that such amount and such items are being reported to the Internal Revenue Service.

(2) *Special rule.* The requirements of this section for the furnishing of a statement to any person, including the legend requirement of this paragraph, may be met by the furnishing to such person of a copy of the Form 1099, 1099–OID, 1087, or 1087–OID filed pursuant to § 1.6049–1, or a reasonable facsimile thereof, in respect of such person. However, in the case of Form 1087–OID or 1099–OID, a copy of the instructions must also be sent to such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

(c) *Time for furnishing statements*—(1) *In general*—(i) *Payment of interest.* Each statement required by this section to be furnished to any person for a calendar year for the payment of interest shall be furnished to such person after November 30 of the year and on or before January 31 of the following year, but no statement may be furnished before the final interest payment for the calendar year has been paid. However, the statement may be furnished at any time after September 30 if it is furnished with the final interest payment for the calendar year.

(ii) *Original issue discount.* Each statement required by this section to be furnished to any person for a calendar year for original issue discount shall be furnished to such person after December 31 of the year and on or before January 31 of the following year.

* * * * *

PAR. 22. Section 301.6049 is amended by revising subsections (a)(1) and (c) of section 6049 and the historical note to read as follows:

§ 301.6049 Statutory provisions; returns regarding payments of interest.

SEC. 6049. *Returns regarding payments of interest*—(a) *Requirement of reporting*—(1) *In general.* Every person—

(A) Who makes payments of interest (as defined in subsection (b)) aggregating $10 or more to any other person during any calendar year,

(B) Who receives payments of interest as a nominee and who makes payments aggregating $10 or more during any calendar year to any other person with respect to the interest so received, or

(C) Which is a corporation that has outstanding any bond, debenture, note, or certificate or other evidence of indebtedness in registered form as to which there is during any calendar year an amount of original issue discount aggregating $10 or more includible in the gross income of any holder under section 1232(a)(3) without regard to subparagraph (B) thereof,

shall make a return according to the forms or regulations prescribed by the Secretary or his delegate, setting forth the aggregate amount of such payments and such aggregate amount includible in the gross income of any holder and the name and address of the person to whom paid or such holder.

* * * * *

(c) *Statements to be furnished to persons with respect to whom information is furnished.* Every person making a return under subsection (a)(1) shall furnish to each person whose name is set forth in such return a written statement showing—

(1) The name and address of the person making such return, and

(2) The aggregate amount of payments to, or the aggregate amount includible in the gross income of, the person as shown on such return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a)(1) was made. No statement shall be required to be furnished to any person under this subsection if the aggregate amount of payments to, or the aggregate amount includible in the gross income of, such person shown on the return made with respect to subparagraph (A), (B), or (C), as the case may be, of subsection (a)(1) is less than $10.

* * * * *

[Sec. 6049 as added by sec. 19(c), Rev. Act 1962 (76 Stat. 1055); amended by sec. 413 (c) and (d), Tax Reform Act 1969 (83 Stat. 611, 612)]

[FR Doc.71–10246 Filed 7–21–71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[24 CFR Part 241]

[Docket No. R–71–128]

SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Assurance of Completion

Pursuant to sections 211 and 241 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715z–6), section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and the Secretary's delegation of authority (36 F.R. 5006, Mar. 16, 1971), it is proposed to amend Part 241 of the regulations governing supplementary financing for FHA project mortgages. The proposal would amend § 241.140 as follows: (1) to permit the assurance of completion to be in the form of an agreement controlling the disbursement of construction funds coupled with a guaranty of performance of the construction contract, and (2) to raise the existing limitations below which bonding requirements will be waived

from $200,000 to $500,000. In addition, the proposal would amend §§ 241.140 and 241.160 to correct certain errors in terminology by substituting the words "borrower" and "lender" for "mortgagor" and "mortgagee," respectively.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before August 23, 1971, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed amendments to Part 241 are set out in full below.

§ 241.140 Assurance of completion.

(a) The borrower shall furnish assurance of completion of the improvements to the project, in the form of a personal indemnity agreement, a surety company bond or bonds, a cash escrow deposit, a letter of credit, or an agreement controlling the disbursement of construction funds coupled with a guaranty of performance of the construction contract, as required by the Commissioner. No assurance of completion shall be required in cases not involving insurance of advances, if the Commissioner determines that the work involved in the proposed improvements, additions, or equipment installation does not endanger the existing structure and will not significantly interfere with its use during such work. The personal indemnity agreement and the bonds shall be on forms approved by the Commissioner. The surety company executing a bond must be satisfactory to the Commissioner. Where a cash escrow deposit is used, it shall be established under an agreement with the lender or with a depository satisfactory to the lender and the Commissioner and shall involve cash or securities of, or fully guaranteed as to principal and interest by, the United States of America. Where an agreement controlling the disbursement of funds coupled with a guaranty of performance of the construction contract is used, the agreement shall contain terms satisfactory to the Commissioner. The types of assurance to be furnished are as follows:

(1) Where the estimated cost of the improvements is $500,000 or less and assurance is required, it may be in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners or individuals operating as the general contractor.

(2) Where the estimated cost of the improvements is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, assurance (if required), may be by a surety company bond or bonds, a cash escrow deposit, a letter of credit, or an agreement controlling the disbursement of construction funds coupled with a guaranty of performance of the construction contract, the amount of which shall be prescribed by the Commissioner.

(b) The lender may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the lender by a banking institution. In the event a demand under the letter of credit is not immediately met, the lender shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 241.160 Cost certification requirements; loans over $200,000.

* * * * *

(b) *Form of contract.* * * *

(2) *Cost plus fixed fee contract.* * * *

(ii) In any case where the borrower is a nonprofit entity, a cost plus fixed fee contract shall be used unless it is established to the Commissioner's satisfaction that such form of contract is not required to protect his interests and the interests of the borrower, in which case, a lump sum form of contract may be used.

* * * * *

Issued at Washington, D.C., July 19, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71-10418 Filed 7-21-71;8:52 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R-425]

AREA RATES FOR ROCKY MOUNTAIN AREA

Advance Notice of Proposed Rule Making

JULY 15, 1971.

Notice instituting proposed rulemaking and order prescribing procedure.

1. Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 551, et seq. (1967) and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act [1] that the Commission proposes to issue rules fixing the just and reasonable rates and otherwise regulating jurisdictional sales by producers of natural gas in the Rocky Mountain area,[2] and to determine whether the initial rates established by Order No. 435 shall apply to contracts dated on or after October 1, 1968. The just and reasonable rates to be determined pursuant to this proceeding shall be for all jurisdictional sales of natural gas made under contracts dated before October 1, 1968. See area rates for Appalachian and Illinois Basin Areas, Docket No. R-371, Orders Nos. 411, 411A, and 411B, issued October 2, 30, and November 27, 1970, respectively.

2. Concurrently with the issuance of this notice and order, the Commission is issuing in Docket No. R-389A, Initial Rates for Future Sales of Natural Gas for All Areas, Order No. 435, fixing the terms and conditions for new sales of natural gas in the Rocky Mountain area applicable to contracts dated after June 17, 1970. The instant proceeding will also involve the question whether the rate established by Order No. 435 shall extend not only to contracts dated after June 17, 1970, but also to those dated on or after October 1, 1968.

3. We do not propose any specific rates, terms and conditions in this notice. Rather, we will rely in making such determination on the responses to be filed herein.

4. All large producers who make jurisdictional sales of natural gas in the Rocky Mountain Area as set forth in Appendix B, and their purchasers as set forth in Appendix C are hereby made respondents to this rulemaking proceeding.[3]

5. Any interested person may become a party to this proceeding by filing with the Secretary of the Commission, on or before August 2, 1971, a notice of intention to respond in writing pursuant to this paragraph; parties having a common interest shall combine in a group, where desirable, and advise the Secretary of that fact. The Secretary will thereupon prepare and publish a list of all parties. Parties shall certify that all other parties, or a group's designated representative, have been served with a copy of any subsequent filing.

6. As an aid to respondents and other interested parties in preparing responses, we set forth specific areas of inquiry, the purpose of which is to determine (a) just and reasonable rates for contracts dated before October 1, 1968,[4] (b) whether contracts dated between October 1, 1968, and June 17, 1970, should be certificated at rates not in excess of those established by Order No. 435 for flowing gas in the Rocky Mountain Area, and (c) whether minimum rates should be established in one or more of the production areas of the Rocky Mountain Area. Our purpose is to establish rates which will result in an adequate supply of natural gas for consumers at the lowest rate consistent with maintaining an industry structure capable of providing, and motivated to provide, service with its attendant risks. See: Permian Basin Area Rate Cases, 390 U.S. 747 (1968); Austral Oil Co. v. F.P.C., 428 F. 2d 407, and

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[1] 52 Stat. 822, 823, 824, 825, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o.

[2] The Rocky Mountain Area, as subdivided into six production areas, is defined in Appendix A.

[3] Large producers are defined as those making nationwide jurisdictional gas sales in excess of 10 million Mcf annually.

[4] We establish October 1, 1968, as the date of division between earlier and later vintages of gas to avoid a multiplicity of division dates throughout the various areas. See: Texas Gulf Coast, Opinion No. 595, issued May 6, 1971.

Texas Gulf Coast, Opinion No. 595, —— FPC ——, issued May 6, 1971.

7. In order to expedite this proceeding, each Appendix B producer and each Appendix C natural gas pipeline which produces gas is hereby ordered and directed to complete, verify and file within 45 days from the date of issuance of this notice and order with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, three copies of its flowing gas cost and operational data on an individual company 1969 test year basis. The data, together with included instructions for its preparation, covers costs, and operational data for (1) the total Rocky Mountain Area and its six subareas, namely: San Juan Basin, Uinta-Green River, Colorado-Julesburg Montana-Wyoming, Montana-Dakota, and Aneth Areas as provided in Appendix D and (2) the United States (excluding Alaska) as provided in Appendix E unless by stipulation entered into by the parties the submission of such national data is not necessary.[3] Those large producers who already have submitted national cost data in Docket No. AR69–1 are not required to resubmit such data.

8. Upon receipt of the data required to be filed in Appendix D and Appendix E, the Commission staff shall composite and reconcile such data, and, on or before October 22, 1971, shall make copies of its composite available to any party hereto which has requested that it be served in its notice of intent filed on or before August 2, 1971.

9. Responses in writing concerning this proposed rulemaking shall be filed with the Secretary at the Federal Power Commission, Washington, D.C. 20426, by November 12, 1971.[4] Any submittal shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this matter should be addressed, the interest in this proceeding, and whether, in addition to the conference hereinafter ordered, the person filing the submittal requests a further conference at the Federal Power Commission, which may be called at the discretion of staff. An original and 14 copies of all submittals shall be filed. Responses to the submittals may be filed not later than November 26, 1971, in the same form and number as the original submittals. The submittals will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, 441 G Street NW., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals and responses filed by any party before issuing an order in this proceeding.

10. A conference for the purpose of developing the issues and procedures to be followed in this proceeding appears to be warranted in the public interest and shall be scheduled as hereinafter ordered.

11. All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows:

---------- being duly sworn,
(Name)

disposes and says that he is (title and organization, if filing in a representative capacity) that he is authorized to verify and file this document, that he has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his knowledge, information and belief.

12. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

The Commission orders:

(A) A conference shall be held on August 3, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, among the parties to this proceeding, including the Commission staff, concerning the possibility of stipulating as to the use of national cost data filed in Docket No. AR69–1, and all other issues involved and the procedures to be followed herein.

(B) The Secretary shall cause prompt publication of this notice and order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A—ROCKY MOUNTAIN AREA PRODUCTION AREAS

Aneth Field Area: Includes that part of San Juan County, Utah, lying within Township 39 through 43 South, Ranges 18 through 26 East and Township 38 South, Ranges 20 and 21 East;

San Juan Basin Area: Consists of San Juan, Rio Arriba, McKinley, and Sandoval Counties, N. Mex.; and Montezuma, La Plata, Archuleta, Mineral, Hinsdale, San Juan, Dolores, San Miguel, Ouray, and Montrose Counties, Colo.;

Uinta-Green River Basin Area: Includes Carbon, Sweetwater, Sublette, Lincoln, and Uinta Counties, Wyo.; Summit, Daggett, Uintah, Duchesne, Wasatch, Carbon, Emery, and Grand Counties, Utah; and Mesa, Garfield, Rio Blanco, Moffat, and Routt Counties, Colo.;

Colorado-Julesburg Basin Area: Consists of the remaining Colorado counties; Albany, Platte, Laramie, and Goshen Counties, Wyo.; and Kimball, Cheyenne, Deull, Garden, Morrill, Banner, Scotts Bluff, Sioux, Box Butte, Daws, and Sheridan Counties, Nebr.;

Montana-Wyoming Area: Includes the remaining counties in Wyoming and Park, Sweet Grass, Stillwater, Carbon, Big Horn, Yellowstone, Treasure, Rosebud, and Powder River Counties, Mont.; and

Montana-Dakota Area: Consists of the entire State of North Dakota; Harding, Perkins, and Butte Counties, S. Dak.; and Glacier, Pondera, Teton, Cascade, Meagher, Wheatland, Golden Valley, Musselshell, Garfield, Custer, and Carter Counties, Mont., together with the remaining Montana counties lying north and east of the counties listed.

APPENDIX B—LARGE PRODUCERS OF NATURAL GAS IN THE ROCKY MOUNTAIN AREA

Respondents

Amerada Hess Corp.
American Petrofina Company of Texas.
Amoco Production Co.
Anadarko Production Co.
Atlantic Richfield Co.
Austral Oil Co., Inc.
Aztec Oil & Gas Co.
Belco Petroleum Corp.
Beta Development Co.
Cabot Corp.
Champlin Petroleum Co.
Chevron Oil Co., Western Division.
Cities Service Oil Co.
Colorado Oil and Gas Corp.
Continental Oil Co.
Diamond Shamrock Corp.
Forest Oil Corp.
Getty Oil Co.
Gulf Oil Corp.
J. M. Huber Corp.
Humble Oil & Refining Co.
Kerr-McGee Corp.
Marathon Oil Co.
Mobil Oil Corp.
Monsanto Co.
Phillips Petroleum Co.
Pubco Petroleum Corp.
Shell Oil Co.
Signal Oil & Gas Co.
Skelly Oil Co.
Sohio Petroleum Co.
Southern Union Production Co.
Sun Oil Co.
The Superior Oil Co.
Tenneco Oil Co.
Terra Resources, Inc.
Texaco, Inc.
Texas Pacific Oil Co., Inc.
Texas Oil & Gas Corp.
Union Oil Company of California.
Union Pacific Railroad Co.
Union Texas Petroleum, a Division of Allied Chemical Corp.

APPENDIX C—ROCKY MOUNTAIN AREA NATURAL GAS PIPELINE PURCHASERS

Respondents

Baca Gas Gathering System, Inc.
Cascade Natural Gas Corp.
Colorado Interstate Corp.
El Paso Natural Gas Co.
Grand Valley Transmission Co.
Kansas-Nebraska Natural Gas Co., Inc.
Montana-Dakota Utilities Co.
Mountain Fuel Supply Co.
Southern Union Gathering Co.[1]
Westrans Industries, Inc.
McCulloch Interstate Gas Corp.
Panhandle Eastern Pipe Line Co.

[FR Doc.71-10312 Filed 7-21-71;8:45 am]

[3] Appendices D and E are filed as part of the original document. Copies are being sent to Respondents listed in Appendices B and C. Any interested party desiring a copy of Appendix D and Appendix E should request it when filing the notice of intent to participate for which provision is hereinafter made.

[4] Comments by the parties shall be directed to area costs and to such other factors as have been discussed by the Supreme Court in Permian, the Fifth Circuit in Austral, supra, and this Commission in Texas Gulf Coast, supra.

[1] Commission reclassification to a pipeline in Docket No. CP71-26 is still pending.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PERCHLORETHYLENE FROM FRANCE

Antidumping Proceeding Notice

JULY 8, 1971.

On May 17, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from France is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[FR Doc.71-10417 Filed 7-21-71;8:51 am]

PERCHLORETHYLENE FROM ITALY

Antidumping Proceeding Notice

JULY 8, 1971.

On May 17, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[FR Doc.71-10415 Filed 7-21-71;8:51 am]

PERCHLORETHYLENE FROM JAPAN

Antidumping Proceeding Notice

JULY 8, 1971.

On May 17, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that perchlorethylene, including technical grade perchlorethylene and purified grade perchlorethylene, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

[FR Doc.71-10416 Filed 7-21-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 18888]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 15, 1971.

The Forest Service, U.S. Department of Agriculture, has filed application M 18888 for the withdrawal of national forest land described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to develop a public campground.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Minnecpa Lake Recreation Area

T. 5 S., R. 11 W., unsurveyed but which probably will be when surveyed,
Sec. 16, S½SW¼NE¼SE¼, S½SE¼NW¼SE¼, W½SE¼SE¼, E½SW¼SE¼, and E½SW¼SW¼SE¼;
Sec. 21, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼NW¼NE¼, E½NW¼NE¼NE¼, and N½SE¼NW¼NE¼.

The area described aggregates 90.00 acres in Beaverhead County, Mont.

EUGENE H. NEWELL,
Chief,
Division of Technical Services.

[FR Doc.71-10386 Filed 7-21-71;8:49 am]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 15, 1971.

Notices of a Bureau of Indian Affairs application, New Mexico 034478, for withdrawal and reservation of lands for the Navaho Indian Irrigation Project were published as F.R. Doc. 64–10759 on pages 14500 and 14501 of the issue for October 22, 1964, and F.R. Doc. 69–14597 on page 19517 for the issue of December 10, 1969. The applicant agency has canceled its application insofar as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 26 N., R. 11 W.,
Sec. 1;
Sec. 3, N½ and SE¼;
Sec. 11, N½ and SE¼;
Sec. 12;
Sec. 13, NE¼.
T. 27 N., R. 11 W.,
Sec. 3, SW¼;
Sec. 4, all east of west boundary of State Highway 44;
Sec. 9, all east of west boundary of State Highway 44;
Sec. 10, all east of west boundary of State Highway 44 in W½;
Sec. 15, all east of west boundary of State Highway 44 in W½ and SE¼;
Sec. 26, N½NE¼;
Sec. 34, NE¼ and S½;
Sec. 35;
Sec. 36, SW¼, S½SE¼, NW¼SE¼, and SW¼NW¼.
T. 28 N., R. 11 W.,
Sec. 33, all east of west boundary of State Highway 44 in W½.
T. 26 N., R. 12 W.,
Sec. 11, W½;
Sec. 14, W½;
Sec. 23, W½.

The area described aggregate 6,448.07 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands, at 10 a.m. on August 16, 1971, will be relieved of the segregative effect of the above-mentioned application.

FRED E. PADILLA,
Acting Chief,
Division of Technical Services.

[FR Doc.71–10382 Filed 7–21–71;8:49 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (36 F.R. 3205, 4710, 7025, 9146, and 11318) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to The Ross Abattoir Co., Establishment 6780, is deleted.

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

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Est. No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Swift and Co.	3BW			(*)				
Cudahy Co.	19W	(*)						
Yoders Locker Plant	2669	(*)				(*)		
Marburger Packing Co.	6863	(*)						
Miller Processing Co., Inc.	6889	(*)				(*)		
B and B Packing Co.	7146	(*)				(*)		
City Meat Co.	7677	(*)						
Miles City Packing Co.	7679	(*)	(*)	(*)				
Triangle Packing Co.	7691	(*)	(*)	(*)	(*)	(*)		
Marias Packing Co.	7692	(*)	(*)	(*)	(*)	(*)		
Stanford Meat Market	7694	(*)		(*)				
Barsotti's Meat Plant	7695	(*)				(*)		
Roberts Packing Plant	7708	(*)		(*)		(*)		
Kalispell Meat Co.	7716	(*)		(*)				
White's Wholesale Meats	7717	(*)						
Vandervanter Meats	7718	(*)						
Fehr's Sausage and Processing	7788	(*)				(*)		
Wilson's Meat Market	7790	(*)				(*)		
Carlos Lockers	7796	(*)				(*)		
Greggwood Farm	8001					(*)		
Erdman Supermarkets, Inc.	8905	(*)	(*)	(*)		(*)		
Read's Locker	8908	(*)				(*)		
Frost-N-Foods Co.	8917	(*)				(*)		
Ruck's Meat Processing Center, Inc.	8921	(*)	(*)	(*)		(*)		
Thompson Processing Service	8922	(*)		(*)		(*)		
Carson Custom Meat Processing	8948	(*)						
Pelican Lockers	8950	(*)						
Lakeland Meats, Inc.	8953					(*)		
Spikes Lockers	8954	(*)				(*)		
Forster Packing Co., Inc.	8966	(*)	(*)	(*)		(*)		
Drewes Frozen Food Center	8971	(*)	(*)	(*)		(*)		
Fosston Coop Association	8974	(*)	(*)	(*)		(*)		
City Meat Market	8975	(*)	(*)	(*)		(*)		
Valley Meats	8976	(*)				(*)		
Slayton Z-R-O-Pac	8989	(*)		(*)		(*)		
New establishments reported: 35.								
Bub Davis Packing Co.	171					(*)		
Muskogee Meat and Food Lockers	7015		(*)					
Havre Abattoir	7688		(*)	(*)	(*)	(*)		
Rocky Mountain Packing Co.	7690		(*)	(*)				
Rick's Packing Co.	7710		(*)					
Fan Mountain Meats	7712		(*)	(*)				
Vollmer and Sons Inc.	7713		(*)					
Kenneth E. Baker	7845				(*)			
Species added: 14.								

Done at Washington, D.C., on July 19, 1971.

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

[FR Doc.71–10413 Filed 7–21–71;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-392]

GENERAL ELECTRIC CO.

Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that General Electric Co., San Jose, Calif., has submitted to the Atomic Energy Commission (Commission) an application dated May 18, 1971, as amended, for a license to authorize the export of two boiling water reactors, each with a thermal power level of 1,775 megawatts, to the Taiwan Power Co., Taiwan, Republic of China, and that the issuance of such license is under consideration by the Commission.

No license authorizing the proposed reactor export will be issued until the Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Commission has found that:

(a) The application complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may upon the determinations and findings noted above cause to be issued to General Electric Co., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

A copy of the application, dated May 18, 1971, as amended, is on file in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 7th day of July 1971.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

[FR Doc.71-10367 Filed 7-21-71;8:47 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

South Carolina Electric & Gas Co., 328 Main Street, Post Office Box 764, Columbia, SC 29202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 30, 1971, for authorization to construct and operate a pressurized water nuclear reactor designated as Virgil C. Summer Nuclear Station, Unit 1, on the applicant's site in Fairfield County, S.C.

The site is located immediately north of Parr, S.C., and is adjacent to a man-made lake created by placing a series of dams across Frees Creek, a tributary of the Broad River. The lake is located east of the Broad River and west of South Carolina State Highway 215, about 26 miles north of Columbia, in western Fairfield County, S.C.

The proposed nuclear power station will consist of a pressurized water nuclear reactor, which is designed for a power output of 2,785 megawatts thermal (MWt), with an equivalent station net electrical output of approximately 900 megawatts electrical (MWE).

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and a copy has been sent to the Fairfield County Library, Vanderhorst Street, Winnsboro, SC 29180, Miss Jean Metelli, Librarian.

Dated at Bethesda, Md., this 15th day of July 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.71-10322 Filed 7-21-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23080, 23566; Order 71-7-84]

AIR WISCONSIN, INC.

Order To Show Cause Regarding Priority and Nonpriority Domestic Service Mail Rates

Issued under delegated authority July 15, 1971.

The establishment of service mail rates for Air Wisconsin, Inc., Docket 23566; priority and nonpriority domestic service mail rates, Docket 23080.

The Postmaster General filed a notice of intent June 28, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for Air Wisconsin, Inc. (Wisconsin), an air taxi operator, final service mail rates for the transportation of priority and nonpriority mail by aircraft between Lafayette, Ind., and Chicago, Ill., via Indianapolis, Ind.

No service mail rates are currently in effect for this transportation by Wisconsin. The Postmaster General requests that the multielement service mail rates established for priority mail by Order E-25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Wisconsin agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Wisconsin of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Wisconsin will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Air Wisconsin, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Lafayette, Ind., and Chicago, Ill., via Indianapolis, Ind., shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Air Wisconsin, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(f),

It is ordered, That:

1. Air Wisconsin, Inc., the Postmaster General, Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Air Wisconsin, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified in the attached appendix;

---

[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Chicago and Indianapolis and 9.36 cents at Lafayette plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

3. Air Wisconsin, Inc., is hereby made a party in Docket 23080;

4. This order shall be served on Air Wisconsin, Inc., the Postmaster General, Airlift International, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Ozark Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307).

[FR Doc.71-10403 Filed 7-21-71;8:50 am]

[Docket No. 23617; Order 71-7-88]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1971.

By tariff revision [1] bearing the posting date of June 4, and marked to become effective August 1, 1971, American Airlines, Inc. (American), proposes to increase its assembly and distribution service charges. Under assembly service, all parts of a shipment received by a carrier within 24 hours (1 calendar day for certain carriers) from one or more consignors at one or more addresses for transportation on one air waybill to one consignee at one destination address, move at the volume rate that would apply to the total weight if the individual parts had been tendered at one time.[2] Under distribution service the carrier will accept a multipart shipment from one shipper at one time at one address, receipted for in one lot, for transportation from one airport of origin and will segregate the parts of the shipment at destination when the carrier will deliver such parts to the consignee or consignees. Both assembly and distribution service may not be performed in conjunction with any single shipment.

American, as well as other domestic air carriers generally, has in effect a charge of 50 cents per part subject to a minimum charge of $2 per shipment for either assembly or distribution service. American now proposes to revise its charges for these services as follows:

(1) The charge for assembling parts of a shipment would be 25 cents per hundred pounds, or fraction thereof, subject to a minimum charge of $1 per part and $4 per shipment; and

(2) The charge for distributing parts of a shipment would be $1 per part, subject to a minimum charge of $4 per shipment.

A complaint submitted by Emery Air Freight Corp. (Emery), an air freight forwarder, was untimely as a request for suspension and will be considered only as a request for investigation.[3] The complaint asserts, inter alia, that American has not supplied adequate justification for such large increases; that the impact of the proposed increases will drive daytime assemblies off of the combination flights and thereby reduce the overall load factor of those schedules; and that the proposed increases should be investigated in the Domestic Air Freight Rate Investigation, Docket 22859.

American justifies its proposal by stating, inter alia, that costs have increased considerably since 1963, when the current charge was established; that the costs for handling assembly and distribution shipments are higher than those for a normal shipment because of the additional functions required; and, that, while distribution service costs are comparable to those of assembly service, the per 100-pound costs of handling distribution service are not appreciably higher than for handling a regular shipment. In addition, American presents various tables breaking down the costs involved in assembly service.

American fails to show the relationship between the weight of an assembled shipment and any costs that may be involved. In its justification, American submits purported costs for a 500-pound shipment consisting of two parts and 5,000-pound shipment consisting of five parts. While the proposed charges for these shipments correspond to the assembly costs claimed by American, the relationship does not hold true when shipments involve a different number of parts and other weights were compared to the carrier's claimed costs. These comparisons indicate that, based on American's cost data, large shipments consisting of a few parts would be overcharged relative to cost, while smaller shipments consisting of many parts would be undercharged. Furthermore, the charges proposed would result in extremely high increases for large shipments. Thus, the assembly charge for a 5,000-pound shipment consisting of five parts would be $12.50 (5,000 times $0.25 per 100 pounds), 500 percent of the current charge of $2.50.

We are aware of no reason for the substantially different charges proposed by American for assembly than for distribution, nor did the carrier provide any cost data in justification of the additional charges for assembly based upon the weight of the shipment.

American's cost data, as well as other evidence, indicate that some increase in charges for assembly and distribution may be warranted. We note that the proposed increase in the per-part charge for both assembly and distribution does not suffer from the disruptive effect on the cost-charge relationship as does the charge per hundred pounds proposed by American for assembly service.

Since it is not feasible to separate the 25-cent charge from the increased per-part and minimum charges in the proposed assembly rule, that rule must be treated as a unit. In the above circumstances and upon consideration of the complaint and all other relevant factors, the Board finds that American's proposed charges for assembly may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposed charge should be suspended pending investigation.

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 96.

[2] In Investigation-Accumulation, Assembly and Distr. Rules, 12 C.A.B. 337 (1950), the Board established model rules for assembly and distribution services. In the Airfreight Rate Case, 29 C.A.B. 873 (1959), the model rules were amended to permit on-forwarding of parts of distribution shipments by air or surface carriers.

By Order E-20376, dated Jan. 20, 1964, the Board amended the rules to permit a consignee to obtain the early release of one or more units of a shipment receiving assembly service upon payment of a fee. By Order 69-8-64, dated Aug. 11, 1969, the Board permitted the carriers to agree to modify the rules as follows: (1) Establish a calendar-day assembly period in lieu of a "floating" 24-hour period; (2) restrict assembly service on one shipment to a single airport of origin; (3) establish separate cube measurement (determination of dimensional weight), and separate assumed declared value/excess value declaration on each "part" of an assembly shipment, as opposed to the aggregate cube/value of all parts; (4) provide that charges on all assembly service shipments shall be collected from the consignee; and (5) provide that the foregoing practices shall be subject to the enforcement machinery of the Air Transport Association.

[3] The Board's regulations, 14 CFR 302.505 (b), provide that a complaint requesting suspension of any tariff filed under the Act ordinarily will not be considered in the event a posting date is printed on a tariff, unless the complaint is filed within 12 days after said posting date. The instant tariff was posted June 4, 1971, and complaints were due June 16. Emery's complaint was received June 18.

On the other hand, as indicated above, the proposed increase for distribution to a $1 per part or $4 per shipment does not seem unreasonable and will be permitted to become effective. The Board finds, upon consideration of all relevant matters, that the complaint against American's proposed charges for distribution does not set forth facts sufficient to warrant investigation and the request therefor will be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 73(A)(4)(a)(b) and on 40th, 41st, and 42d Revised Pages 38-B of Airline Tariff Publishers, Inc., agent's CAB No. 96, and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 73(A)(a)(b) and on 40th, 41st, and 42d Revised Pages 38-B of Airline Tariff Publishers, Inc., agent's CAB No. 96, is suspended (except from and to points in Canada) and its use deferred to and including October 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein, designated as Docket 23617, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. The complaint of Emery Air Freight Corp. in Docket 23519, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., and Emery Air Freight Corp., which are hereby made parties to Docket 23617.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10404 Filed 7-21-71;8:50 am]

[Docket No. 23570; Order 71-7-81]

JIM HANKINS AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 15, 1971.

The Postmaster General filed a notice of intent June 29, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 55.8 cents per great circle aircraft mile for the transportation of mail by aircraft from Nashville, Tenn., to Birmingham, Ala., via Atlanta, Ga., and from Birmingham to Nashville, based on five such trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Jim Hankins Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55.8 cents per great circle aircraft mile from Nashville, Tenn., to Birmingham, Ala., via Atlanta, Ga., and from Birmingham to Nashville, based on five such trips per week flown with Beech 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Jim Hankins Air Service, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Jim Hankins Air Service, Inc., the Postmaster General, Delta Air Lines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10405 Filed 7-21-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23565; Order 71-7-79]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 15, 1971.

The Postmaster General filed a notice of intent June 28, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of $1.148 per great circle aircraft mile for the transportation of mail by aircraft between Des Moines, Iowa, Grand Island, Nebr., and Denver Colo., based on 10 one-way trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech 99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor,

and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be $1.148 per great circle aircraft mile between Des Moines, Iowa, Grand Island, Nebr., and Denver, Colo., based on 10 one-way trips per week flown with Beech 99 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Ross Aviation, Inc., the Postmaster General, Braniff Airways, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10406 Filed 7-21-71;8:50 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23525; Order 71-7-80]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, July 15, 1971.

The Postmaster General filed a notice of intent, June 21, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 72.02 cents per great circle aircraft mile for the transportation of mail by aircraft between Springfield and St. Louis, Mo., and Memphis, Tenn., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Postal Service and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beech 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 72.02 cents per great circle aircraft mile between Springfield and St. Louis, Mo., and Memphis, Tenn., based on five round trips per week flown with Beech 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines Inc., Frontier Airlines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Ross Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-10407 Filed 7-21-71;8:51 am]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., 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 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Paul J. McElligott, Esq., Ragan & Mason, The Farragut Building, 900 17th Street, NW., Washington, DC 20006.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Inc., Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc.

Agreement No. 9899-3 between the above named parties provides, as an interim measure pending consummation of a freight pooling agreement, (1) that each line will join any of a list of designated conferences operating between the U.S. North Atlantic and Northern Europe to which it does not already belong, (2) that the lines will appoint a committee for the purpose of evolving recommendations for uniform rules and regulations concerning the inland movement or shipper use of carrier-owned or controlled containers, and (3) that the lines will take all possible steps to urge the adoption of these rules and regulations by each of the designated conferences.

Dated: July 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10419 Filed 7-21-71;8:52 am]

DEUTSCHE DAMPFSCHIFFFAHRTS GESELLSCHAFT HANSA AND VILLAIN & FASSIO E CAMPAGNIA INTERNAZIONALE DI GENOVA SOCIETA RIUNITE DI NAVIGAZIONE S.P.A.

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 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq., Bebchick, Sher & Kushnick, 919 18th Street NW., Washington, DC 20006.

Agreement No. 9958 establishes a cooperative working arrangement whereby the above named parties will form a corporation under the name of "Atlantica S.p.A." to charter vessels for the conduct of a general transportation service in the eastbound and westbound trades between U.S. Atlantic ports and ports in the Mediterranean and on the Atlantic Coast of Spain, Portugal and Morocco, under the terms and conditions set forth in the agreement.

Dated: July 20, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10463 Filed 7-21-71;8:49 am]

FARRELL LINES, INC., AND NORTHERN PAN-AMERICA LINE A/S (NOPAL WEST AFRICA LINE)

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 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, NY 10004.

Agreement No. 9527-1, amends the basic transshipment arrangement between Farrell Lines Inc. and Nopal West Africa Line operating in the trades between the Liberian ports of Harbel, Buchanan, Sinoe, and Cape Palmas, on the one hand, and U.S. gulf ports, on the other hand, with transshipment at Monrovia, Liberia, by enlarging that portion of the trade to be served by Nopal West Africa Line to include ports on the Atlantic Coast of the United States.

Dated: July 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10420 Filed 7-21-71;8:52 am]

HELLENIC LINES, LTD., AND SEATRAIN LINES, INC.

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 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

matters upon which they desire to adduce evidence. An allegation or discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fermin Mendez, Rate Manager, Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 9690-2, modifies the basic agreement which covers a through billing arrangement on general cargo from Puerto Rico to ports in the Persian Gulf and adjacent waters, Red Sea and Gulf of Aden ports, and all ports on the Mediterranean Sea (except Spanish and Israeli ports) and adjacent seas, and on the Atlantic Coast of Morocco, with transshipment at New York, N.Y., Baltimore, Md., Norfolk, Va., and Charleston, S.C., to specifically provide in Article 2 thereof that transshipment expenses shall be for the amount of the cargo.

Dated: July 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10421 Filed 7-21-71;8:52 am]

SWEDISH AMERICAN LINE AND OY FINNLINES

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 N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George P. Galland, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street, NW., Washington, DC 20007.

Agreement No. 9959 would establish a jointly owned corporation by the above parties to operate as a cargo carrier in the trade between U.S. Gulf and South Atlantic ports, on the one hand, and Scandinavian, Baltic Sea, United Kingdom, Eire, and Continental ports of Europe within the Bordeaux-Hamburg Range, on the other hand.

Dated: July 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10422 Filed 7-21-71;8:52 am]

[Independent Ocean Freight Forwarder License 1207]

ELMONT CHARTERING CORP.

Order of Revocation

JULY 19, 1971.

By letter dated June 7, 1971, Elmont Chartering Corp., 17 Battery Place, New York, NY 10004, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1207 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 6, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Elmont Chartering Corp., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Elmont Chartering Corp. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Elmont Chartering Corp. be and is hereby revoked effective July 6, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Elmont Chartering Corp.

AARON W. REESE,
Managing Director.

[FR Doc.71-10423 Filed 7-21-71;8:52 am]

[Independent Ocean Freight Forwarder License 13]

ITALIAN SHIPPING CO. AND SPACE AGE CUSTOMS EXPEDITERS CO.

Order of Revocation

JULY 19, 1971.

By letter dated June 7, 1971, Italian Shipping Co. and Space Age Customs Expediters Co. (Ralph F. Elia doing business as), 88 West Broadway, New York, NY 10007, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 13 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 6, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Italian Shipping Co. and Space Age Customs Expediters Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Italian Shipping Co. and Space Age Customs Expediters Co. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Italian Shipping Co. and Space Age Customs Expediters Co. be and is hereby revoked effective July 6, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Italian Shipping Co. and Space Age Customs Expediters Co.

AARON W. REESE,
Managing Director.

[FR Doc.71-10424 Filed 7-21-71;8:52 am]

[Docket No. 71-72]

WALL STREET CRUISES, INC.

Order To Show Cause Regarding Failure To Qualify for Performance Certificate

JULY 19, 1971.

Wall Street Cruises, Inc., 250 West 57th Street, New York, NY 10019, purports to have an Option Agreement to purchase the "SS Independence" from American Isbrandtsen Lines, Inc. The

option is reported to expire August 20, 1971. The "SS Independence" is a passenger vessel having passenger accommodations for more than 50 passengers.

Section 3(a) of Public Law 89–777 provides that:

> No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and which is to embark passengers at U.S. ports without there first having been filed with the Federal Maritime Commission such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or in lieu thereof a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

Section 540.3 of Commission General Order 20 provides as follows:

> No person in the United States may arrange, offer, advertise, or provide passage on a vessel unless a Certificate (Performance) has been issued to or covers such person.

Wall Street Cruises, Inc. has published a series of advertisements in the New York Times offering cruises from United States ports on the "SS Independence" without having first qualified for and received from the Federal Maritime Commission a Certificate (Performance) as required under Public Law 89–777 and General Order 20 of the Federal Maritime Commission. These advertisements have appeared on May 30, June 13, June 20, June 27, and July 4, 1971. An example of such advertisements is attached as Exhibit A.[1]

Now, therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916, 46 U.S.C. 821, section 3 of Public Law 89–777, 46 U.S.C. 817e, and § 540.3 of General Order 20, Wall Street Cruises, Inc. show cause why the Commission should not find Wall Street Cruises, Inc. in violation of the foregoing sections of Public Law 89–777 and General Order 20.

It is further ordered, That Wall Street Cruises, Inc. show cause why it should not be ordered to cease and desist from arranging, offering, advertising or providing passage on the "SS Independence", including any collection of deposits and fares, either directly or indirectly, on its own behalf or through agents whether authorized or not until it has complied with the financial responsibility requirements of section 3 of Public Law 89–777 and the Commission's General Order 20.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto. Should the respondent feel that an evidentiary hearing be required, it must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Request for hearing shall be filed on or before July 30, 1971. Affidavits of fact and memoranda of law shall be filed by the respondent, unless otherwise ordered by the Commission, not later than the close of business July 30, 1971. Replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than the close of business August 9, 1971. An original and 15 copies of affidavits of fact and memoranda of law and replies thereto are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto.

It is further ordered, That Wall Street Cruises, Inc. be, and it is hereby, made respondent in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon respondent.

Persons other than respondent and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure on or before July 26, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10425 Filed 7-21-71;8:52 am]

[1] Exhibit A filed as part of original document.

[Docket No. 71-71]

PRUDENTIAL-GRACE LINES, INC., ET AL.

Order of Investigation and Hearing Regarding Government-Controlled Cargo

Agreement No. 9932—Equal Access to Government-controlled cargo and interim cooperative working arrangement and Agreement No. 9939—pooling, sailing, and equal access to Government-controlled cargo agreement.

Pursuant to section 15 of the Shipping Act, 1916, an agreement between Prudential-Grace Lines, Inc., and Compania Peruana de Vapores has been filed for approval and assigned Federal Maritime Commission No. 9932. This agreement covers an arrangement for equal access by the parties to Government-controlled cargo in the West Coast United States/Peru trade for an interim duration of 120 days in order to permit the parties to negotiate a pooling agreement for the movement of all cargo in such trade.

On April 7, 1971, an agreement between Prudential-Grace Lines, Inc., and Compania Peruana de Vapores was filed for approval and assigned Federal Maritime Commission No. 9939. This agreement establishes a revenue pooling and sailing (and equal access to Government-controlled cargo) arrangement on all cargo, with the exception of certain specified commodities, to be transported by the parties under local bills of lading in the trade southbound from West Coast United States ports to ports in Peru.

Notice of the filings of Agreements Nos. 9932 and 9939 were published in the FEDERAL REGISTER on March 6, 1971 and April 20, 1971, respectively. Pursuant to such publications, protests against the approval of said agreements and comments were submitted on behalf of Westfal-Larsen Line, an established carrier in the trade. An investigation and hearing on the issues raised by the protestant has been requested.

Westfal-Larsen Line sets forth its standing and interest in the West Coast United States/Peru trade, in which it has served and carried substantial cargo since 1926. This carrier objects to the approval of Agreements Nos. 9932 and 9939 on the grounds that said agreements (1) have been entered into by the parties for the purpose of excluding third-flag carriers from the trade; (2) will be unjustly discriminatory and unfair as between carriers, and as between shippers, importers, and exporters of the United States; (3) will operate to the detriment of the commerce of the United States; and (4) will subject particular traffic to undue and unreasonable prejudice and disadvantage, all in violation of sections 15 and 16 of the Shipping Act, 1916.

A reply to the protest and comments has been filed on behalf of the parties to the agreement which contains (1) a general denial of the facts alleged by Westfal-Larsen Line on the grounds that they are not supported by factual evidence; and (2) the statement that Agreements Nos. 9932 and 9939 are arrangements entered into for no other purpose than to conform to the policies and mandates of the United States and Peru with respect to the transportation of Government-controlled cargo. If the Commission is of the opinion that an investigation and hearing is necessary in this matter and is so ordered, counsel for the parties has requested that such proceeding be expedited.

No information and data or other material in justification of the approval of the agreements has been furnished by the parties.

Agreement No. 9939 may be incomplete in certain respects (1) Article 8 which provides for the preparation of quarterly provisional and final pool statements does not contain the requirement that copies of such statements be furnished the Commission; and (2) Articles 5, 11, and 17 contemplate further action or agreement between the parties thereto but do not specifically provide that said Articles may not be implemented until such time as an appropriate amendment to the agreement has been filed with and approved by the Commission under section 15.

A review of the issues presented by the agreements, the protest, and comments, and the reply thereto establishes the requirement for the institution of a proceeding to determine the approvability of Agreements Nos. 9932 and 9939 under section 15, and the proceeding instituted must include an evidentiary hearing for said purpose and to resolve the disputed questions of fact.

It is, therefore, ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 9932 should be approved, disapproved, or modified.

It is further, ordered, That the proceeding hereby instituted include an investigation of the issues presented by Agreement No. 9939, for the purpose of determining whether said agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, or importers of the United States, will operate to the detriment of the commerce of the United States or be contrary to the public interest or in violation of the Act within the meaning of section 15, or subject any particular traffic to undue or unreasonable prejudice or disadvantage in violation of section 16 of said Act:

It is further ordered, That the proceeding hereby instituted include an investigation of whether any order of approval of Agreement No. 9939 by the Commission should (1) contain the requirement that copies of all quarterly provisional and final pool statements pursuant to Article 8 of the Agreement be furnished the Federal Maritime Commission; and (2) require the addition of Article 18 to read as follows:

(18) *Further agreement of the parties.* Any further agreement or understanding of the parties, pursuant to or giving effect to Articles 5, 11, and 17, shall not be effective or implemented prior to the time that an appropriate amendment with respect thereto has been filed with and approved by the Federal Maritime Commission pursuant to section 15 of the Shipping Act, 1916.

It is further ordered, That Prudential-Grace Lines, Inc., and Compania Peruana de Vapores are hereby made respondents in this proceeding.

It is further ordered, That Westfal-Larsen Line (Westfal-Larsen & Co. A/S) is hereby made a petitioner in this proceeding.

It is further ordered, That a public hearing be held in this joint proceeding before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding examiner. The hearing should be expedited.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioner, as shown below.

It is further ordered, That any person other than respondents and petitioner, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

Prudential-Grace Lines, Inc., One Whitehall Street, New York, NY 10004.

Compania Peruana de Vapores, T. J. Stevenson & Co., Inc., General Agents, 80 Broad Street, New York, NY 10004.

Westfal-Larsen & Co., A/S, Westfal-Larsen Line, General Steamship Corp., Ltd., General Agents, 400 California Street, San Francisco, CA 94104.

Martin F. Richman, Esq., Barrett, Knapp, Smith & Schapiro, 26 Broadway, New York, NY 10004 (Attorney for parties to agreement).

Odell Kominers, Esq., Kominers, Fort, Schlefer & Boyer, 1401 K Street NW., Washington, DC 20005 (Attorney for parties to agreement).

Gilbert C. Wheat, Esq., Thomas E. Kimball, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104 (Attorneys for Westfal-Larsen Line).

[FR Doc.71-10350 Filed 7-21-71;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessel*
01011	Aktieselskabet Det Ostasiatiske Kompagni (The East Asiatic Co., Ltd.):
	Palstria.
01080	Fred Devine Diving & Salvage Co., Inc.:
	Salvage Chief.
01153	Atlas Levante Linie G.m.b.H.:
	Cap Carmel.
01497	Kaldelion Shipping Co., Ltd.:
	Elias L.
01885	Vincent Guzzetta doing business as Guzzetta Oil Co.:
	NBC 726.
01996	Rederi A.B. Poseidon:
	Pilhamn.
	Kungshamn.
01999	Rederiaktiebolaget Motortank:
	M/T Markland.
02434	Collins Towing, Inc.:
	Collins-7.
	Collins-5.
	Collins-6.
	Collins-8.
02453	The Turnbull Scott Shipping Co., Ltd.:
	Flowergate.
	Baxtergate.
	Redgate.
	Saltersgate.
	Waynegate.
	Trongate.
02583	Pacific Inland Navigation Co.:
	PAC 312-3.
	PAC 312-1.
	PAC 312-2.
	PAC 570.
	PAC 336-1.
	PAC 336-2.
	548.
	Mohawk.
	PAC 160-1.
	PAC 160-2.
	PAC 160-3.
	PAC 160-4.
	503.
	538.
	AFL 1599.
	514.
	AFL 1597.
	509.
	535.
	505.
	507.
	506.
	541.
	542.
	545.
	544.
	513.
	ZB1002.
	Western Marketer.
	ZB1003.
	550.
	551.
	552.
	PAC 560.
	PAC 537.
	Tyee.
	Bannock.
	Barge 536.
02584	Seapac, Inc.:
	PAC 336-3.
	PAC 336-4.
	PAC 336-5.
	PAC 336-6.
02610	Peter Dohle:
	Arosia.
	Isabella.
	Litania.
	M/V Carolina.
	M/V Passat.
02771	Philtankers, Inc.:
	Phillips New York.
	Phillips New Jersey.
	Phillips Oregon.
	Amy Multina.
	Phillips Oklahoma.
	Phillips Kansas.
	Phillips Louisiana.
	Phillips Texas.
03467	Nichiro Gyogyo K.K.:
	Kuroshio Maru No. 17.
	Kuroshio Maru No. 27.
	Kuroshio Maru No. 26.
	Kuroshio Maru No. 16.
03590	Tank Barge 8, Inc.:
	Barge 103.
03838	Evermia Compania Naviera S.A.:
	Angeliki L.
03874	Grikani Shipping Co., Ltd.:
	S/S Irini Matgeos.
03980	Moran Towing & Transportation Co., Inc.:
	Seaford.

Certificate No.	Owner/operator and vessel
03887---	Vest Transportation Co., Inc.:
	M/V Double D.
	IBS 26B.
	IBS 27.
	IBS 28.
	IBS 30.
04174---	West Memphis Towing Co.:
	Lady Mignon.
	Defender.
04299---	Erie Navigation Co.:
	M/V John R. Emery.
	M/V Peerless.
	M/V Day Peckinpaugh.
04435---	Gateway Barge Lines, Inc.:
	LTC 30.
	GW 701.
	UMI 1807B.
	ACE 101.
04436---	Barge Rentals, Inc.:
	TC-5.
04438---	"Sicilia" Societa Di Navigazione Per Servizi Liberi S.P.A.:
	Conca D'Oro.
04834---	Tidewater Barge Lines, Inc.:
	M/V Leland James.
	M/V Titan.
	Capt. J. G. Van Ness.
	Glenn.
	6.
	22.
	30.
	34.
	24.
	1728.
	77.
	36.
	37.
	21.
	11.
	ARLINGTON.
04839---	Augusta Shipping Corp.:
	Cubahama.
04978---	Oceanfrigo Societa D'Armamento Frigorifero:
	Doroty.
	Doroty Seconda.
05003---	Wisconsin Barge Line, Inc.:
	Myra Eckstein.
05026---	Naviera Maritima Fluvial S.A.:
	PARACAS.
	ALISIOS.
05033---	Connecticut Towing, Inc., & Gastown, Inc.:
	New Haven.
05176---	Roen Salvage Co.:
	A M R 23.
	Derrick Barge 53.
	Derrick 33.
05550---	Cia. Vasco Cantabrica de Navegacion, S.A.:
	Primar.
05594---	Star Line Steamship Co., Ltd.:
	Tessala.
05631---	Manson Construction & Engineering Co.:
	Manson No. 8.
	Manson No. 2.
	Viking.
05847---	Lundeberg Maryland Seamanship School, Inc.:
	Dauntless.
05976---	Liberian Swallow Transports, Inc.:
	Asia Swallow.
05978---	Goldwyn Shipping Co., Ltd.:
	Golden Venture.
05996---	Chemical Oil Salvage Products, Inc.:
	Barge No. 11.
	LTC No. 34.
06064---	TMT Trailer Ferry, Inc.:
	TMT San Juan.
	TMT Biscayne.
	TMT Puerto Rico.
	TMT Carolina.
	TMT Florida.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-10349 Filed 7-21-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Notice of Modification of Hearing Schedule

JULY 14, 1971.

On June 4, 1971, the Midwest Industrial and Commercial Gas Users Association filed a motion requesting a modification of the hearing procedures as set forth in the Commission's order issued May 21, 1971, in the above-designated matter. On June 22, 1971, Commission Staff Counsel field an answer to the motion, stating that Staff has no objection to the motion, but requesting that the date for service of Staff's prepared testimony and exhibits also be extended, from August 24, 1971, to September 14, 1971. On July 1, 1971, Midwest Industrial and Commercial Users Association filed a reply to Staff's answer, suggesting a further modification in the schedule. The motion and the reply both state that the requested modifications were discussed with the principal parties, except Commission Staff.

Upon consideration, notice is hereby given that the hearing schedule set forth in the Commission order issued May 21, 1971, is modified as follows:

Prehearing Conference, July 29, 1971.
Service of Staff's prepared testimony and exhibits, September 14, 1971.
Service of Intervenors' testimony and exhibits, October 14, 1971.
Service of Cities Service's rebuttal evidence, November 12, 1971.
Cross-examination, November 16, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10359 Filed 7-21-71;8:46 am]

[Docket No. CP71-317]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Application

JULY 14, 1971.

Take notice that on June 30, 1971, Columbia Gulf Transmission Co. (Columbia), Post Office Box 683, Houston, TX 77001, Texas Gas Transmission Co. (Texas), Post Office Box 1160, Owensboro, KY 42301, and United Fuel Gas Co. (United), Post Office Box 1237, Charleston, WV 25325, jointly filed in Docket No. CP71-317 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the exchange of natural gas between Columbia and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it has entered into a contract for the purchase of natural gas produced in the North Chalkley Field, Calcasieu Parish, La. Columbia, who will transport the volumes of natural gas purchased by United, proposes to exchange up to 2,000 Mcf of natural gas per day with Texas as an alternative to the construction of approximately $33,000 of gathering and pipeline facilities. Columbia would deliver these volumes of gas to Texas at the production point in Calcasieu Parish. Texas proposes to redeliver the gas to Columbia through existing facilities located at Michigan Wisconsin Pipe Line Co.'s Calumet metering station in St. Mary Parish, La.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1971, file with the Federal Power Comtion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10360 Filed 7-21-71;8:46 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff for Purpose of Expanding Curtailment Provisions

JULY 14, 1971.

Take notice that on July 6, 1971, El Paso Natural Gas Co. (El Paso) tendered for filing proposed changes in its FPC

Gas Tariff, Original Volume No. 1,[1] to become effective August 6, 1971, for the purpose of establishing measures to assure as reliable and adequate service to its customers as present natural-gas supplies will permit, pursuant to the policies expressed by the Commission in Order No. 431, issued April 15, 1971, in Docket No. R-418.[2]

El Paso states that the proposed tariff changes are premised upon the fact that the Southern Division System mainline possesses a firm reliable winter capacity of approximately 3,888,000 Mcf daily and a firm reliable summer capacity of approximately 3,820,000 Mcf daily. The firm reliable capacity would be fully apportioned on a basis which reflects historical usage patterns of the Southern Division System customers and reserves a portion of such capacity for the direct sale customers. Such capacity apportionment would be made a part of the tariff through a new provision in section 20 of the General Terms and Conditions, to be effective November 1, 1971. Although El Paso contemplates that new service agreements will be executed to conform with the desired apportionment, El Paso proposes to make the apportionment self-executing by setting forth its customers' entitlements in section 20.

Section 11.3 of the General Terms and Conditions has been revised to set forth three basic priorities (residential, commercial, and industrial) for firm service totaling 3,888,000 Mcf during winter periods and 3,820,000 Mcf during summer periods. Section 11.3 also recognizes, within firm capacity limitations, the right of industrial consumers, both direct and resale, to share in firm service. Section 11.3 also establishes as a fourth and lowest priority industrial sales made above the firm capacity volumes mentioned above.

Specifically, section 11.3 provides that when El Paso is unable for any reason to meet its customers' firm requirements as set forth in section 20, it shall first curtail service to the industrial customers in Priority 4; thereafter curtailment of Priority 3 consumers (Industrial Consumers and Direct Industrial Customers) shall be accomplished in accordance with the following procedures:

(1) Service to those Buyers and Direct Industrial Customers who depend upon Seller for their entire gas supply shall be curtailed so that each such entire requirements Buyer and Direct Industrial Customer shall be entitled to such proportion of the total quantities of gas Seller has available on such day for delivery for the Priority 3 requirements of all entire and partial requirements Buyers and Direct Industrial Customers as the estimated Priority 3 use of each such entire requirements Buyer and Direct Industrial Customer on such day bears to the total estimated Priority 3 use of all entire and partial requirements Buyers and Direct Industrial Customers on such day;

An apportionment following the above-described procedure will also be made to curtail deliveries to partial requirements industrial consumers. In no event are curtailments to industrial consumers to be below the quantity needed to satisfy essential uses.

When curtailments in addition to deliveries to Priority 4 and Priority 3 consumers are required, service to customers under Priority 2 (Commercial Consumers) will be curtailed under the same apportionment procedure described above for Priority 3 consumers. Whenever further curtailment is necessary, service to customers under Priority 1 (Domestic and Residential Consumers) will be restricted by following the above-described apportionment procedure for Priority 3 consumers.

Section 11.4 of the General Terms and Conditions provides that El Paso will utilize the same curtailment procedures set forth in the above-described section 11.3 in the event it is necessary to curtail deliveries because of operating problems or because of the need to repair, alter, modify or enlarge any of its system facilities. All curtailments under either section 11.3 or section 11.4 will be made after as much advance notice as possible to inform customers of the expected duration of the curtailments.

El Paso's filing states that copies of the proposed tariff changes have been served upon all of its Southern Division System jurisdictional and direct sale customers and upon interested State Commissions.

In view of the fact that comments are desirable prior to the requested effective date of August 6, 1971, good cause exists to shorten the notice period with respect to El Paso's filing.

Any person desiring to be heard or to make any protest with reference to the proposed tariff changes hereinbefore described should on or before July 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. El Paso's proposed tariff sheets, submitted in response to Order No. 431, are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10361 Filed 7-21-71;8:46 am]

[1] Original Sheet Nos. 39-A, 63-A, 63-B, 67A, 67-B, and 67-C, First Revised Sheet No. 77, Second Revised Sheet Nos. 61, 62, 67, 75, and 82, Third Revised Sheet Nos. 60, 66, 74, 78, and 79, Fourth Revised Sheet Nos. 63, 72, 73, and 76, and Fifth Revised Sheet Nos. 2 and 39.

[2] El Paso's written report filed May 17, 1971, pursuant to paragraph (A)(2) of Order No. 431 had stated that it would file modifications of its tariff in the near future to amplify the curtailment provisions in its existing tariff.

[Docket No. CP71-13]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JULY 16, 1971.

Take notice that on July 6, 1971, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP71-13 a petition to amend the order of the Commission issued heretofore in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of a 1,068 horsepower compressor station to be located in Yakima County, Wash., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued on June 22, 1971 (45 FPC ——), petitioner was authorized to construct and operate approximately 14 miles of 12¾-inch lateral pipeline looping a portion of its Northwest Division System Wenatchee Lateral in Benton County, Wash. This loopline was designed to provide additional lateral capacity to serve the anticipated increased requirements of Cascade Natural Gas Corp. (Cascade) and the city of Ellensburg, Wash. (Ellensburg) for the 1971-72 winter heating season. Petitioner states that it has received revised estimates of total firm peak day requirements of its customers served by the Wenatchee Lateral and to enable it to meet these requirements will require increases above the present design capacity of the lateral. To increase the capacity from the present capacity of 55,000 Mcf per day to a capacity sufficient to meet the revised estimates, petitioner seeks authorization to construct and operate the aforementioned 1,068 horsepower compressor station, to be known as the Zillah Compressor Station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10391 Filed 7-21-71;8:49 am]

[Docket No. CP71-6]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JULY 16, 1971.

Take notice that on July 7, 1971, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP71-6 a petitioned to amend the Commission's orders heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale and delivery of additional volumes of natural gas to certain of its existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By authorization granted by the Commission on October 30, 1970 (44 FPC ——), as amended by order issued on February 23, 1971 (45 FPC ——), petitioner, an equal participation in the Jackson Prairie Storage Project located in Lewis County, Wash., may receive natural gas from Washington Natural Gas Co. (Washington), the project operator, in amounts not to exceed 180,000 Mcf per day and 4,000,000 Mcf during the winter period commencing on each November 1 and continuing through the following April 15. Petitioner is also permitted to render natural gas service to certain of its Northwest Division System customers under its FPC Gas Rate Schedule SGS-1. Petitioner states that an evaluation of the Storage Project indicates that the seasonal withdrawal capacity should be increased on November 1, 1971, from the presently authorized 4,000,000 Mcf to 5,200,000 Mcf. Accordingly, petitioner seeks authorization for the sale and delivery of the additional volumes of natural gas received from Washington, to its existing customers under the terms of its Rate Schedule SGS-1.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20246, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10390 Filed 7-21-71;8:49 am]

[Docket No. CP72-3]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JULY 16, 1971.

Take notice that on July 6, 1971, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, FL 32789, filed in Docket No. CP72-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the delivery of natural gas to the city of Gainesville, Fla., for use in a new electric generating plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes the construction and operation of approximately 3.2 miles of 8-inch lateral pipeline and appurtenances, extending in a northwesterly direction from a point of connection at the intersection of State Road 25 and its existing 8-inch Inglis Lateral Pipeline approximately 3.5 miles north of Gainesville, Alachua County, Fla., to a terminus at a point adjacent to a newly constructed municipal powerplant. This new plant is to be operated in conjunction with an existing plant and will be served by applicant from quantities of natural gas available under its currently effective Preferred Interuptible Contract. The volume of gas presently delivered to Gainsville for the electric generating plants, approximately 13,039 Mcf per day, will be divided between the two plants.

The estimated cost of the facilities proposed herein is $205,500, which cost, applicant states, will be borne by Gainesville.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10392 Filed 7-21-71;8:49 am]

[Docket No. CP71-318]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

JULY 14, 1971.

Take notice that on June 30, 1971, the Manufacturers Light and Heat Co. (applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP71-318 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of additional compressor facilities at an existing compressor station located in Chester County, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to increase the rated horsepower of its Dowington Compressor Station located in Chester County, from 2,200 to 2,500 horsepower by the addition of turbochargers to each of the two existing 1,100 horsepower units at the station. Applicant states that the additional horsepower, installed at a cost of $190,000, will reduce horsepower requirements on its system and will result in a net savings of approximately $84,500 each summer.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10362 Filed 7-21-71;8:46 am]

[Dockets Nos. RI72-22, etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 14, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refund procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-22	Marathon Oil Co. et al	17	[1] 13	United Gas Pipe Line Co. (Cotton Valley Field, Webster Parish, Northern Louisiana).	----------	6-14-71	6-14-71	[2] Accepted			
		17	14		$503,552	6-14-71	----------	6-15-71	[2] 14.07636	[3] 18.75	
		17	15		----------	6-14-71	7-15-71	[2] Accepted			
RI72-23	Sun Oil Co.	301	14	do		6-22-71	6-22-71	[2] Accepted			
		301	15		211	6-22-71	----------	6-23-71	[2] 14.07636	[3] 18.75	
RI72-24	General American Oil Co. of Texas.	5	[1] 14	United Gas Pipe Line Co. (Cotton Valley Field, Webster Parish, Northern Louisiana).	----------	6-29-71	6-29-71	[2] Accepted			
		5	15		48,244	6-28-71	----------	6-29-71	[2] 14.07636	[3] 18.75	
		5	16		----------	6-29-71	7-30-71	[2] Accepted			
	do	33	16	do		6-29-71	6-29-71	[2] Accepted			
		33	17		73,632	6-28-71	----------	6-29-71	[2] 14.07636	[3] 18.75	
		33	[4] 18		----------	6-29-71	7-30-71	[2] Accepted			

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Amendment dated Apr. 23, 1971, provides for increased rate. Applicable only to gas produced from above the base of the Gray Sand at 11,150 ft.
[2] Includes 1 cent tax reimbursement.
[3] Contract dated Apr. 23, 1971, amending basic contract, applicable only to gas produced from below the base of the Gray Sand at 11,150 ft. provides initial rate of 25 cents with a 2-cent increase every 4 years; also provides for downward B.t.u. adjustment.
[4] Applicable only to gas produced from above the base of the Gray Sand at 11,150 ft.
[5] Accepted to be effective on the dates shown in the "Effective date" column.

The purchaser, United, has tracked the producer rate increases involved here in its rate increase filing of November 13, 1970, which was suspended in Docket No. RP71-41. In these circumstances, good cause exists for waiving the 60-day notice period.

The proposed increased rates relate to sales in areas outside Southern Louisiana and do not exceed the corresponding rate limitation for increased rates in Southern Louisiana and are therefore suspended for 1 day from the date of filing.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-10393 Filed 7-21-71;8:49 am]

[Docket No. RP71-139]

MID LOUISIANA GAS CO.

Notice of Existing Curtailment Procedures

JULY 16, 1971.

Take notice that on May 18, 1971, Mid Louisiana Gas Co. (Mid Louisiana), filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it "* * * is making every reasonable effort to fill its newly certificated Hester Storage Field sufficient to meet the expected 1971-72 heating season demands on its system and does not anticipate that any curtailment will be necessary" because, among other reasons, "* * * reduced daily contract volumes during the warmer months provide the company with assurance it will have sufficient gas supply and capacity available to fill its storage field without affecting historical load patterns of the general service customers."

While Mid Louisiana does not anticipate making curtailments below contract demand, it states that its current FPC Gas Tariff, First Revised Volume No. 1, provides for proration of deliveries should an unexpected shortage develop due to failure of supply or otherwise. Section 13 of the General Terms and Conditions deals with interruption of deliveries, and section 13.2 specifically provides:

13.2 *Proration of Deliveries.* In the event Seller is unable to deliver the requirements

of its customers for any reason, then deliveries of gas shall be curtailed in the following order: First, deliveries for fully interruptible service; second, deliveries for industrial usage; and, lastly, deliveries for domestic consumption.-Buyer shall cooperate with Seller in making such curtailments. If it is necessary to curtail deliveries for domestic consumption then Buyer's domestic consumers shall share the available gas pro rata with any other domestic consumers whose supply comes from Seller.

Although Mid Louisiana's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to Mid Louisiana's existing tariff provisions governing curtailments of service should on or before July 30, 1971, file with the Federal Power Commission, 441 G Street NW., Washington DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Mid Louisiana's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10389 Filed 7-21-71;8:49 am]

[Docket No. CP71-316]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 14, 1971.

Take notice that on June 29, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-316 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the exchange of natural gas with Mobil Oil Corp. (Mobil), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas purchase and exchange agreement with Mobil whereby Mobil will deliver to Applicant volumes of natural gas estimated to approach 450,000 Mcf per month, from the Buffalo Wallow Field, Hemphill County, Tex. By the terms of this agreement, upon appropriate notice, Mobil can designate up to 64 percent of this volume as exchange gas. Applicant states that the volumes so designated will be redelivered in equivalent volumes to Mobil at a proposed point of interconnection between the facilities of each party in Liberty County, Tex. To facilitate this exchange, applicant proposes to construct and operate certain metering and transportation facilities at an estimated cost of $18,685, which cost will be reimbursed by Mobil.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10363 Filed 7-21-71;8:47 am]

[Docket No. RP71-140]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JULY 14, 1971.

Take notice that Texas Gas Transmission Corp., on June 21, 1971, tendered for filing proposed changes in its FPC Gas Tariff, contained in Third Revised Volume No. 1, designed to supersede the presently effective Second Revised Volume No. 1 of its tariff, to become effective on July 21, 1971. By letter dated July 2, 1971, Texas Gas requested a change in the effective date to August 6, 1971. Texas Gas states that the sole purpose of the filing is to simplify the style of presenting the unit rates and charges applicable to the various rate schedules contained in the currently effective Second Revised Volume No. 1 of the tariff. No change in the level of the currently effective rates and charges is proposed.

The proposed tariff changes are summarized as follows: (1) The terms of rate schedules for identical service in each service zone are consolidated in a single rate schedule applicable to all zones; (2) all unit rates are deleted from individual rate schedules and are set forth according to zone on a single tariff sheet; (3) all CD rate schedules are being made available only to contract demands of less than 225,000 Mcf and a CD-2 rate schedule is included; (4) CDL rate schedules are included for zones 1, 2, and 3 in addition to the present CDL-4 rate schedule; (5) the minimum monthly bill provision relating to buyers' use of gas in electric generating plants solely to meet such minimum bill, which is a part of the currently effective CD-1 rate schedule, is included in all CD rate schedules; and (6) rate schedules ACQ-3 and TES-1 have been eliminated as no sales are being made or are contemplated to be made under such schedules.

Texas Gas states that the proposed changes are not intended to affect or modify, in any way, the rights and/or obligations of Texas Gas or its customers under the terms of the stipulation and agreement approved by the Commission in the order issued on July 17, 1970, in Docket No. RP69-41 et al.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10364 Filed 7-21-71;8:47 am]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS CO.

Notice of Petition To Amend

JULY 16, 1971.

Take notice that on July 7, 1971, Washington Natural Gas Co. (petitioner), 815 Mercer Street, Seattle, WA 98111, filed in Docket No. CP71-7 a petition to amend the Commission's orders heretofore issued in said docket pursuant to section

7(c) of the Natural Gas Act by authorizing an increase in the winter seasonal withdrawal capacity of the Jackson Prairie Storage Project located in Lewis County, Wash., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By authorization granted by the Commission on October 30, 1970 (44 FPC ——), as amended on February 23, 1971 (45 FPC ——), petitioner, operator of the storage project, may deliver natural gas to El Paso Natural Gas Co. (El Paso) in quantities not to exceed 180,000 Mcf per day and 4 million Mcf during the winter period commencing on each November 1 and continuing through the following April 15. Petitioner states that continued evaluation of the storage project indicates that seasonal withdrawal capacity should be increased on November 1, 1971, from the presently authorized 4 million Mcf to 5,200,000 Mcf. To accomplish this increase, the storage project participants propose to increase the cushion gas inventory from a level of not less than 8,100,000 Mcf to a level not less than 9,800,000 Mcf. Petitioner states that injections of natural gas are presently being made into the storage project to attain these levels by November 1, 1971.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10394 Filed 7-21-71;8:49 am]

[Docket No. RI72-14, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 14, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-14...	Union Oil Co. of California.	44	[12] 7	Tennessee Gas Pipeline Co., a division of Tenneco Inc. a (Caillou Island Field, L Fource Parish, Southern Louisiana).	$52,925	6-23-71		8- 8-71	22.375	[4] [13] 26.0	RI71-364.
RI72-15...	Getty Oil Co.	107	25	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Grand Isle Block 47 Field, Offshore Louisiana) (Disputed Zone).	20,000	6-21-71		8- 6-71	21.375	[4] [13] 22.375	RI71-428.
RI72-16...	Humble Oil & Refining Co.	241	[12] [7] 10	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Timbalier Block 54 Field) (Offshore Louisiana).	151,931	6-21-71		8- 6-71	21.375	[4] [13] 26.0	RI71-709.
RI72-17...	Shell Oil Co.	19	21	El Paso Natural Gas Co. (TXL Plant, Ector and Winkler Counties, Tex., Permian Basin).	52,644	5-17-71		8- 2-71	17.188	17.694	RI71-297.
RI72-18...	Texaco, Inc.	227	8	Transwestern Pipeline Co. (Monument Field, Lea County, N. Mex., Permian Basin).	3,668	6-24-71		9- 2-71	18.0896	19.0914	RI68-459.
RI72-19...	Livingston Oil Co.	[14] 20	3	Cities Service Gas Co. (Noble County, Okla., Other Area).	1,500	[14] 6-16-71		7-18-71	[5] 11.0	[5] 13.0	
		[14] 22	4		6,000	[14] 6-16-71		7-18-71	[5] 11.0	[5] 13.0	
RI72-20...	Murphy Oil Corp. et al.	12	[14] 8	Arkansas Louisiana Gas Co. (Greenwood-Waskom Field, Bossier Parish, Northern Louisiana).	----------	6-18-71	7-19-71	[17] Accepted			
		12	9		----------	6-18-71	7-19-71	[17] Accepted			
		12	10		12,125	6-18-71		8-19-71	[4] [13] 13.55	[4] [13] [15] 16.05	
RI72-21...	Sesco Production Co. et al.	1	2	Lone Star Gas Co. (Henderson South Travis Peak A Field, Rusk County, Texas RR. District No. 6).	228	6-14-71		6-15-71	14.49	14.525	
		2	3		24	6-14-71		6-15-71	14.99	15.04375	

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes documents required by Opinion No. 567 establishing the discovery date of a new reservoir.
[2] Applicable only to the reservoir identified therein.
[3] Pursuant to Opinion No. 567 and Order No. 413.
[4] Contract base rate is 26.3 cents.
[5] Contract base rate is 23.5 cents.
[6] Increase to onshore rate pursuant to Order No. 413.
[7] Documents relating to the discovery of new reservoirs pursuant to Opinion No. 567 construed as notice of change in rate.
[8] Base rate subject to downward B.t.u. adjustment.
[9] Includes 1 cent tax reimbursement.
[10] Includes 0.5 cent gathering charge.
[11] Buyer deducts 0.75 cent for compression.
[12] Amendment dated Mar. 3, 1971, provides for increased rate; extends term of contract to Dec. 31, 1979, and provides for compression charge by buyer of 0.75 cent if gas is less than 600 p.s.i.g. at delivery.
[13] Letter agreement dated May 19, 1971, provides that Murphy may file to any higher just and reasonable area rate established by the FPC.
[14] Submitted previous material on June 3, 1971.
[15] Contract dated after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1 and proposed rate does not exceed the initial rate ceiling of 15 cents.
[16] Corrected by later filing of June 30, 1971.
[17] Accepted, to be effective 30 days after filing, July 19, 1971.
[18] The pressure base is 15.025 p.s.i.a.

The contracts covering the sales for Livingston Oil Co. are dated after September 28, 1960, and the proposed rates do not exceed the area initial rate ceiling. Accordingly, the rate increases are suspended for 1 day from the date of expiration of 30 days' statutory notice period.

The proposed increases of Sesco Production Co. et al. reflect partial reimbursement for the Texas production tax. Pursuant to the Commission's Order No. 390, the increases are suspended until June 15, 1971, 1 day from the date of filing.

The proposed increases pertaining to sales in Southern Louisiana are suspended for a period ending 45 days from the date of filing or 1 day from the contractually due date, whichever is later, consistent with prior Commission action on Southern Louisiana increases exceeding the area rates set forth in Opinions Nos. 546 and 546-A. The proposed rates in areas outside Southern Louisiana do not exceed the corresponding rate limitation for increased rates in Southern Louisiana and are therefore suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later, except to the extent otherwise indicated above.

Certain respondents request either waiver of notice or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-10315 Filed 7-21-71;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of American Bank at Ormond Beach, Ormond Beach, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and mangerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, July 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10374 Filed 7-21-71;8:48 am]

CONTINENTAL BANCOR, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Continental Bancor, Inc., Phoenix, Ariz., for approval of action to become a bank holding company through the acquisition of 69 percent or more of the voting shares of Continental Bank, Phoenix, Ariz.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Continental Bancor, Inc., Phoenix, Ariz. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 69 percent or more of the voting shares of Continental Bank, Phoenix, Ariz. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for Arizona and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 13, 1971 (36 F.R. 8830), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of Applicant and Bank, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank, and is owned and managed by a group of directors and officers of Bank who have extensive banking experience in the Phoenix area. Bank has deposits of about $46 million and ranks eighth in size in the Phoenix area. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through May 31, 1971.) The proposal involves only a shift in ownership of Bank from a Texas corporation to Applicant, and would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and Bank are consistent with approval of the application. Although Applicant would have substantial debt in relation to its net worth, several considerations diminish the importance of this factor. The management of Applicant is composed of senior officials of Bank who have exhibited strong managerial abilities since Bank's establishment in 1964. Further, Bank has shown an earnings record which coupled with its potential earnings indicate Applicant's ability to service its debt without significant danger to the condition of Bank. Other considerations that lead to the conclusion that Applicant's debt position does not preclude approval of the application are the adequacy of Bank's capital and a definite debt repayment program by Applicant. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application since the proposal involves the substitution of local and nonlocal ownership and such ownership will be more likely to be aware of and sensitive to the banking needs of the Phoenix area. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] July 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10375 Filed 7-21-71;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Sherrill. Absent and not voting: Chairman Burns and Governors Mitchell and Brimmer.

FIRST BANCORP, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of First Bancorp, Inc., Corsicana, Tex., for approval of action to become a bank holding company.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Bancorp, Inc., Corsicana, Tex. (applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of the successor by merger to The First National Bank of Corsicana, Corsicana, Tex. (Corsicana Bank). As an incident to the merger, Applicant would acquire the beneficial ownership of at least 24 percent but less than 25 percent of the shares of each of the following three Texas banks: Citizens National Bank in Ennis (24.7 percent); Citizens State Bank, Malakoff (24 percent); and First National Bank of Streetman (24 percent).

The described shares of the three banks other than Corsicana Bank are owned by Cornavco Corp., all the shares of which are held by trustees for the benefit of the shareholders of Corsicana Bank. As a result of the merger, Applicant will succeed to beneficial ownership of all of the shares of Cornavco Corp. and, indirectly, of the described shares of the three banks.

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 the Texas Commissioner of Banking and requested their views and recommendations. The Commissioner and the Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 1, 1971 (36 F.R. 8274), 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, and finds that:

Applicant is a newly formed organization and has no operating history. Upon acquisition of Corsicana Bank ($40 million of deposits), Applicant would become the sixth largest bank holding company in the State and would control about 0.2 percent of the commercial bank deposits in the State. (All banking data are as of December 31, 1970, and reflect holding company acquisitions approved through May 31, 1971.)

Corsicana Bank, the lead bank, is located in downtown Corsicana, and is the largest of 10 banks in the Corsicana market by virtue of control of 56.8 percent of deposits in that market. (Corsicana Bank will be merged into a nonoperating bank which has significance only as a vehicle to accomplish the acquisition of all the shares of Corsicana Bank. Acquisition of the shares of the resulting bank is treated as an asquisition of the shares of Corsicana Bank.) Streetman Bank ($2 million of deposits), located 18 miles south of Corsicana is also in the Corsicana market and has 2.3 percent of deposits there.

Citizens State Bank ($3 million of deposits), is located in Malakoff which is 27 miles east of Corsicana and is in the Athens-Malakoff market which covers approximately the area within a 12-mile radius of Athens. In this market, Citizens State Bank, with 9.4 percent of deposits, ranks fourth among six banks located there. In the Ennis market, which is adjacent to the Corsicana market, Citizens National Bank in Ennis ($14 million of deposits) is the largest of three banks and holds 57.6 percent of the deposits.

Corsicana Bank, through Cornavco, acquired an indirect interest in Malakoff Bank in 1966, Ennis Bank in 1967, and Streetman Bank in 1969. It appears that Corsicana Bank exerts some influence over the operations of these three banks. However, the Board notes Applicant's assertion that "neither Applicant nor FNBC (Corsicana Bank) controls the election of directors of any such banks or exercises a controlling influence over their management or policies." It appears that the proposed transaction is essentially a corporate reorganization of existing interests and reflects neither expansion of the group nor an increase in the banking resources controlled by it. On the facts presented, consummation of applicant's proposal is not expected to have a significant effect on existing or potential banking competition.

On the basis of the record before it, the Board concludes that consummation of the proposal herein would not have a substantially adverse effect on competition in any relevant area. Considerations relating to financial and managerial resources and prospects as they relate to Applicant, Corsicana Bank, and the three associated banks are consistent with approval of the application. Applicant will begin operations in a satisfactory financial condition and will be able to draw management expertise from Corsicana Bank. Applicant's prospects, which depend largely on those of Corsicana Bank, are favorable. Factors relating to the convenience and needs of the relevant markets are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons summarized above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] July 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10376 Filed 7-21-71;8:48 am]

T G BANCSHARES CO.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of T G Bancshares Co., St. Louis, Mo., for approval of acquisition of 53.6 percent or more of the voting shares of Bank of House Springs, House Springs, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by T G Bancshares Co., St. Louis, Mo. (Applicant), a bank holding company, for the Board's prior approval of the acquisition of an additional 53.6 percent or more of the voting shares of Bank of House Springs, House Springs, Mo. (Bank). Applicant presently owns 24.99 percent of the voting shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance for the State of Missouri, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 18, 1971 (36 F.R. 9043), 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.

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, and finds that:

Applicant, the eighth largest bank holding company and the ninth largest banking organization in Missouri, has one subsidiary bank with $125.7 million in deposits, representing 1.1 percent of

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel and Sherrill. Absent and not voting: Chairman Burns and Governors Mitchell and Brimmer.

the total commercial bank deposits in the State. (All banking data are as of Dec. 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board to date.)

Bank ($4.7 million deposits), with 9.9 percent of the area's deposits, is the fifth largest of the seven banks located in its primary service area, which is approximated by the northwest portion of Jefferson County. Applicant's only subsidiary bank, the Tower Grove Bank and Trust Co., is located 24 miles from Bank in St. Louis, and does not compete with Bank to any significant extent. In light of the facts of record, including the distance separating Bank from Applicant's subsidiary, the presence of numerous banking alternatives, and Missouri's restrictive branching law, it does not appear that consumption of the proposal herein would foreclose the development of potential competition. Affiliation with Applicant should enhance Bank's ability to compete more effectively within the St. Louis banking market. It does not appear, therefore, that existing competition would be eliminated or significant potential competition foreclosed by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. Considerations relating to the financial and managerial resources and future prospects are regarded as consistent with approval of the application as they relate to Applicant and its subsidiary, and lend weight in support of approval as they relate to Bank, since affiliation with Applicant would insure Bank's future financial stability and provide Bank with greater management depth. Applicant proposes to expand Bank's lending operations and to assist Bank in establishing new services such as business development and trust service. The residents of Banks' service area should benefit from these services. Consequently, considerations relating to the convenience and needs of the area lend some additional weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved:

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] July 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10377 Filed 7-21-71;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Mitchell.

UNITED VIRGINIA BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Virginia Bankshares Inc., Richmond, Va., for approval of acquisition of 80 percent or more of the voting shares of the successor by merger to Security National Bank of Roanoke, Roanoke, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Virginia Bankshares Inc., Richmond, Va. (Applicant), for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the successor by merger to Security National Bank of Roanoke, Roanoke, Va. (Bank). The merger has significance only as a means of acquiring all of the shares of Bank; the proposal is therefore treated herein as one to acquire shares of 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 offered no objection to approval of the acquisition.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 26, 1971 (36 F.R. 9581), 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.

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, and finds that:

Applicant, Virginia's largest banking organization, controls 11 banks with deposits of $1.1 billion, or 13.9 percent of the deposits in the State. (Banking data are as of Dec. 31, 1970, and reflect holding company formations and acquisitions approved by the Board to May 31, 1971.) Bank ($21 million deposits) is the smallest banking organization in the Roanoke area (4.8 percent of deposits), where it competes with offices of three independent banks and two bank holding companies. Although Applicant is the largest banking organization in the State, its nearest subsidiary is more than 40 miles from Bank, and neither it nor Applicant's other subsidiaries compete in the Roanoke area. Because of the distances involved, Virginia law, and other facts of record, the development of significant competition is considered unlikely. In view of the foregoing, Applicant's entry into Roanoke through acquisition of the smallest bank should serve to enhance competition and will not have a significantly adverse effect on competition in any relevant area.

The financial condition of Applicant and its subsidiaries and Bank is regarded as satisfactory. Consequently, considerations under these factors are consistent with approval.

The financial resources and increased competitive capacity of Bank resulting from approval of the application would benefit residents of the pertinent market area. Accordingly, considerations relating to the capacity of Bank to meet the convenience and needs of the community weigh slightly in favor of approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] July 15, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10378 Filed 7-21-71;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting Chairman Burns and Governor Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[70-5054]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JULY 15, 1971.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, VA 24009, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $35 million aggregate principal amount of first mortgage bonds. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent and the price to be paid to Appalachian (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of December 1, 1940, made by Appalachian to Bankers Trust Co., as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

Appalachian also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of a new series of cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be expressed in a multiple of .04 of 1 percent) and the price, exclusive of accrued dividends, to be paid Appalachian (which shall be not less than $100 per share and shall not exceed $102.75) will be determined by the competitive bidding. The terms of this new series of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest rate or other preferred stock at a lower effective dividend cost.

Appalachian will apply the proceeds from the sale of the bonds and the preferred stock to pay, at maturity, Appalachian's then outstanding commercial paper and unsecured short-term notes issued in connection with Appalachian's construction program estimated at $137 million for 1971, to reimburse its treasury for money actually expended for such purposes, and for working capital. It is estimated that $101 million in short-term debt will be outstanding as of the date of the sale of the bonds and preferred stock.

It is stated that the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and the Tennessee Public Service Commission, in which State Appalachian is qualified to do business, have jurisdiction over the issue and sale of the bonds and preferred stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Appalachian in connection with the proposed issue and sale of the bonds and preferred stock will be supplied by amendment.

Notice is further given that any interested person may, not later than August 12, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-10368 Filed 7-21-71;8:47 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 9, 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 July 10, 1971, through July 19, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-10383 Filed 7-21-71;8:49 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

JULY 15, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of FAS International, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 16, 1971, through July 25, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-10369 Filed 7-21-71;8:47 am]

[70-5052]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Common Stock and Transfer of Retained Earnings to Common Stock Capital Account

JULY 16, 1971.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), Two Eight Park Avenue, New York, NY 10017, a registered holding company, and Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, AR 72203, an electric utility subsidiary

company of Middle South, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $30 million principal amount of its First Mortgage Bonds, ------ percent Series due August 1, 2001. The interest rate on the bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' Mortgage and Deed of Trust dated as of October 1, 1944, to Morgan Guaranty Trust Company of New York and John W. Flaherty, as successor Trustees, as heretofore supplemented and as to be further supplemented by a Twenty-first Supplemental Indenture to be dated as of August 1, 1971, and includes a prohibition until 1976, against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

Arkansas also proposes to issue and sell and Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock), proposes to acquire 800,000 of Arkansas' presently authorized but unissued shares of common stock, $12.50 par value, at a price of $12.50 per share or $10 million in the aggregate. The net proceeds derived from the sale of the bonds and the common stock are to be used by Arkansas for the payment of short-term notes (estimated to be about $15 million at the time the proceeds are received), to finance, in part, Arkansas' 1971 construction program estimated at $130,400,000, and for other corporate purposes.

Arkansas also proposes to transfer $5 million of its retained earnings to its common stock capital account. Contemporaneously with such transfer, Arkansas proposes to issue and Middle South, which owns all the presently outstanding shares of Arkansas' common stock, proposes to acquire, 400,000 additional shares of authorized common stock having an aggregate par value of $5 million. The issuance of such common stock will permit Arkansas to convert into permanent capital a portion of its restricted retained earnings. Middle South will make no change in its investment account other than to restate the number of shares representing its investment in Arkansas. As of April 30, 1971, the retained earnings of Arkansas amounted to $28,226,465.

It is stated that the fees and expenses to be incurred by Arkansas in connection with the issue and sale of the bonds are estimated at $100,000, including counsel fees of $28,500 and auditors' fees of $6,000. The fees and expenses of counsel for the underwriters of the bonds are estimated at $11,000, and will be paid by the successful bidders. The filing states that in connection with the transactions relating to Arkansas' common stock no special or separable expenses are anticipated by either Arkansas or Middle South.

It is further stated that the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business, has authorized the issuance and sale of the bonds and the issuance of the common stock by Arkansas; that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, asserts jurisdiction over the issuance and sale of the bonds and common stock and the issuance of common stock in connection with the retained earnings transfer; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 9, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10370 Filed 7-21-71;8:47 am]

[70-5050]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Charter Amendment and Solicitation of Proxies

JULY 15, 1971.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Penelec proposes to amend its corporate charter in order to increase the number of shares of cumulative preferred stock, par value $100 per share, which it is authorized to issue from its present authorization of 435,000 shares (of which six different series aggregating 365,000 shares are now outstanding) to 1,435,000 shares. It is stated that the increase in the number of shares is being sought in order that Penelec will be in a position to issue and sell, from time to time, additional series of cumulative preferred stock to facilitate the financing of its construction program. The present estimated cost of Penelec's 1971 construction program is approximately $91,100,000, and the company's present estimate is that the cost of its construction programs for 1972 and 1973 will be of the same general magnitude.

The declaration states that the proposed increase in the authorized cumulative preferred stock of Penelec will require the favorable vote of GPU, the holder of the outstanding common stock of Penelec, and the favorable vote of the holders of a majority of the total number of outstanding shares of preferred stock of all series. GPU has advised Penelec that it intends to vote the outstanding common stock in favor of the proposed increase. Penelec plans to seek such vote at a special meeting of holders of Penelec's preferred and common stock proposed to be held on September 14, 1971, and proposes to solicit proxies for the granting of such consent. Penelec is presently limited in the amount of additional funded debt it can issue by the interest coverage requirement contained in its debenture indenture.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $215,000, including legal fees of $8,000 and State tax and filing fees of $192,000. It is stated that no State commission and no Federal commission, other than this Commission,

has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 5, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10371 Filed 7-21-71;8:47 am]

[File No. 500-1]

RECLAMATION SYSTEMS, INC.

Order Suspending Trading

JULY 16, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Reclamation Systems, Inc., a Massachusetts corporation, and all other securities of Reclamation Systems, Inc., 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 July 18, 1971, through July 27, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10372 Filed 7-21-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[License Application 02/02-5290]

CAPITAL FORMATION MESBIC, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of Capital Formation MESBIC, Inc., 5 Beekman Street, New York, NY 10038, for a license to operate in the State of New York as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers and directors and shareholders are as follows:

Sylvester Green, 1118 Washington Avenue, Scotch Plains, NJ, President and Director.
Richard C. Kennard, Jr., 116-33 227th Street, Cambria Heights, NY, Vice President and Director.
Angela Cabrera, 150 Columbia Heights, Brooklyn, NY, Secretary and Director.
Thomas W. Russell, Jr., 1220 Park Avenue, New York, NY, Chairman of the Board, 33⅓ percent.
William E. Havemeyer, 229 East 28th Street, New York, NY, Treasurer.
Hiram C. Cintron, 90 Briarwood Lane, Plainview, NY, Executive Director and Assistant Treasurer.
James S. Conley, Jr., 55-30 98th Place, Rego Park, NY, Assistant Secretary.
Samuel S. Beard, 16 East 84th Street, New York, NY, Director.
Harry W. Havemeyer, 860 Park Avenue, New York, NY, Director, 33⅓ percent.
The Chubb Corp., 90 John Street, New York, NY, 33⅓ percent.

Management and technical assistance will be rendered to the applicant by Capital Formation, Inc., which is located at the same address. Capital Formation, Inc., is a tax-exempt foundation whose major purpose is to assist in the development of minority-owned businesses.

The applicant, a New York corporation, will begin operations with $153,000 of paid-in capital and paid-in surplus consisting of 900 shares of common stock issued at $170 per share.

As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: July 12, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-10365 Filed 7-21-71;8:47 am]

[Declaration of Disaster Loan Area 835; Class B]

NEBRASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Pierce, Cedar, Stanton, Madison, and adjacent areas, suffered damage or destruction resulting from flooding and severe storms, occurring on June 4, through June 15, 1971.

OFFICE

Small Business Administration District Office, 216 North 17th Street, Omaha, NE 68102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1972.

Dated: July 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-10366 Filed 7-21-71;8:47 am]

DEPARTMENT OF LABOR

Employment Standards Administration

FOUR-DAY FORTY-HOUR WORKWEEK

Notice of Public Hearing

Notice of a public hearing concerning adoption of a 4-day, 40-hour workweek without payment of time and one-half overtime compensation for workdays exceeding 8 hours.

Notice is hereby given of a public hearing to be held in Room 216, Conference Level, U.S. Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, DC, commencing at 10 a.m. on September 7, 1971, and continuing through September 10, 1971, at which time an opportunity will be provided for any interested person to make an oral presentation, before a hearing examiner to be designated, of data, views, and argument on the question of whether the public interest would be served by any change in overtime pay requirements for work in excess of 8 hours a day on federally financed contract work when performed by contractors who establish a 40-hour workweek consisting of four 10-hour days in lieu of the standard five 8-hour-day workweek generally utilized throughout industry at the present time.

In recent months the Department of Labor has been receiving an increasing number of inquiries expressing interest in the adoption of a 4-day, 40-hour workweek and concern as to the application of the daily overtime requirements of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) in this regard. The information available to the Department at the present time is inadequate to enable it to gauge with accuracy either the degree of interest in the adoption of such a workweek by those employers performing or desiring to perform contracts subject to the Walsh-Healey Public Contracts Act and the Contract Work Hours and Safety Standards Act or the extent to which their adoption of such a schedule may be affected by the existing requirements under such Acts that work in excess of 8 hours a day be compensated at a rate not less than one and one-half times the employees' basic rate of pay.

Suggestions have been made that appropriate governmental action should be taken to relieve employers subject to the above Acts of the daily overtime requirements where a 4-day, 40-hour workweek is scheduled. However, the information now available to the Department is not considered sufficient to enable it to assess the desirability and need for such action from the standpoint of serving the best interests of the public. The data, views, and information being sought will be used to determine whether the public interest requires action and, if so, the form and substance of such action.

Comment is accordingly invited both for and against proposals to take such action as may be necessary to permit the adoption of a 4-day, 40-hour workweek by contractors subject to the foregoing Acts without requiring payment of time and one-half overtime compensation for the workdays included therein which exceed 8 hours, as well as any proposals for restrictions, revisions, or safeguards which should accompany the adoption of such a workweek if daily overtime requirements are not to apply to work within the 40-hour schedule. Additional comments are invited on any other questions, ideas, proposals etc., that are relevant and lie within the scope of this inquiry.

Interested persons shall, not later than 5 days prior to the commencement of the hearing, file with the Administrator, Employment Standards Administration, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.

2. The subject matter or matters to be discussed.

3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.

4. The date and approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Administrator at the above address at any time prior to the conclusion of the hearing.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The hearing examiner shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentations to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views and argument responsive to the oral presentations made by other persons. Upon completion, the hearing examiner shall certify the record to the Administrator for consideration and review.

Signed at Washington, D.C., this 19th day of July 1971.

HORACE E. MENASCO,
Administrator.

[FR Doc.71-10461 Filed 7-21-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JULY 19, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-124078 Sub 476, Schwerman Trucking Co., and MC-125474 Sub 29, Bulk Haulers, Inc., assigned August 23, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission, instead of September 21, 1971.

MC-134024 Sub 1, James L. Womick Contract Carrier Application, now being assigned for further hearing on September 13, 1971, at St. Louis, Mo., in Court Room No. 2, 1114 Market Street.

MC-115331 Sub 301, Truck Transport Incorporated, now being assigned hearing on September 15, 1971, in Court Room No. 2, 1114 Market Street, St. Louis, MO.

MC-124211 Sub 170, Hilt Truck Line, Inc., now being assigned hearing on September 16, 1971, in Court Room No. 2, 1114 Market Street, St. Louis, MO.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10396 Filed 7-21-71;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 19, 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. 42251—*Salt from Penn Yan and Seneca Lake, N.Y.* Filed by Traffic Executive Association—Eastern Railroads, agent, (E.R. No. 3005), for interested rail carriers. Rates on salt and salt compounds and mixtures, in carloads, as described in the application, from Penn Yan and Seneca Lake, N.Y., to southern, truckline, and New England territories.

Grounds for relief—Rate relationship and market competition.

Tariffs—Supplement 101 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC A-907 (Boin Series), and Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-879. Rates are published to become effective on August 16, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10397 Filed 7-21-71;8:50 am]

[Notice 331]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 15, 1971.

The following are notices of filing of applications for temporary authority

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 966 (Sub-No. 22 TA), filed July 9, 1971. Applicant: CAPITOL TRUCK LINES, INC., 200 West First Street, Topeka, KS 66603. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Mound Valley, Kans., as an off-route point in connection with applicant's regular route operations, between Kansas City, Mo.-Kans., and Coffeyville, Kans., for 150 days. NOTE: Carrier intends to tack the authority here applied for to other authority held by it, and to interline with other carriers, such interlining to be effected at Kansas City, Mo.-Kans., and at Coffeyville, Kans. Supporting shipper: Valley Products, Inc., Post Office Box 167, Mound Valley, KS 67354. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, KS 66603.

No. MC 83835 (Sub-No. 81 TA), filed July 6, 1971. Applicant: WALES TRANSPORTATION, INC., Office: 905 Meyers Road, Post Office Box 6186, Grand Prairie, TX 75050, Dallas, TX 75222. Applicant's representative: W. A. Cunningham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrostatic precipitators and electrostatic precipitator parts*, from Warrenton, Mo., to points in Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Florida, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Maryland, Arizona, Colorado, and Illinois, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: The Binkley Co., Warrenton, Mo. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 95920 (Sub-No. 23 TA), filed July 9, 1971. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: J. H. Mackie (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformer tanks*, from Salem, Oreg., to Waukesha, Wis., for 150 days. Supporting shipper: RTE Corp., Post Office Box 23387, Portland, OR 97223. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg.

No. MC 97357 (Sub-No. 39 TA), filed July 9, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: David P. Christianson, 825 City National Bank Building, 605 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalytic blown asphalt, emulsions, road oils, and asphalts*, from points in Los Angeles County, Calif., to points in Dona Ana County, N. Mex., for 180 days. Supporting shipper: Arizona Refining Co., Arco Drive at Six Points, Post Office Box 1453, Phoenix, AZ. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 106088 (Sub-No. 4 TA), filed July 2, 1971. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, IN 47978. Applicant's representative: Wm. O. Hopkins, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wire carriers and damaged or reject wire*, from the plantsites and warehouse facilities of Indiana Spring Corp. located at or near Renseelaer, Ind., to Waukegan, Chicago, South Chicago, Joliet and Alton, Ill., Aliquippa and Johnstown, Pa., Cleveland, and Portsmouth, Ohio, Roebling, N.J., and Pueblo, Colo.; and (b) *wire carriers and damaged or reject wire*, from the plantsites and warehouse facilities of Sealy Spring Corp. located at or near Delano, Pa., to Waukegan, Chicago, South Chicago, Joliet, and Alton, Ill., Cleveland, and Portsmouth, Ohio, Roebling, N.J., and Pueblo, Colo., for 150 days. Supporting shipper: Indiana Spring Corp., 1132 North Cullen Street, Rensselaer, IN 47978. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 107496 (Sub-No. 814 TA), filed July 8, 1971. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Reichhold Chemical plantsite at Kansas City, Kans., to Joplin and Springfield, Mo., and Tulsa and Miami, Okla., for 150 days. Supporting shipper: Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y. 10602. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111045 (Sub-No. 83 TA), filed July 9, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, other than table salt, in bulk, in pneumatic trailers, from Birmingham, Ala., to points in Georgia, for 180 days. Supporting shipper: Morton Salt Co., Post Office Box 11868, Atlanta, GA 30305. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111401 (Sub-No. 340 TA), filed July 9, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Tulsa, Okla., to Warren, Ohio, Martinsville, Va., and Charleston, W. Va., for 180 days. Supporting shipper: J. Bolzak, Director of Traffic, Sun Chemical Corp., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115180 (Sub-No. 75 TA), filed July 2, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10011. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, NJ 07306. 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 section A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*,

61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux City, Iowa to points in New York and Vermont, for 150 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 116982 (Sub-No. 10 TA), filed July 2, 1971. Applicant: FUCHS, INC., Rural Route No. 1, Box 576 Sauk City, WI 53583. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plant and warehouse facilities of Kent Feeds, Inc., at or near Rockford and New Milford, Ill., to points in Sauk County, Wis., Columbia County, Wis., Dane County, Wis., on and north of U.S. Highway 18, and Iowa County, Wis., on and north of U.S. Highway 18, said operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Kent Feed, Inc., for 180 days. Supporting shipper: Mr. Thomas D. Donis, T. M. Kent Foods, Inc., 612 South Bend Road, New Milford, IL 60953. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 123048 (Sub-No. 194 TA), filed July 8, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, WI 53401. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engine-cooling radiators*, from Paducah, Ky., to Kenosha, Wis., return of *racks* for engine cooling radiators, from Kenosha, Wis., to Paducah, Ky., for 180 days. Supporting shipper: Modine Manufacturing Co., 1500 DeKoven Avenue, Racine, WI 53403 (M. P. Mulhern Assistant Secretary). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 123048 (Sub-No. 195 TA), filed July 8, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, WI 53401. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, (except truck tractors) and *tractor attachments*, in mixed loads with tractors, except commodities which by reason of size or weight require use of special equipment, from the facilities of White Farm Equipment Co. in De Kalb County, Ga., to points in the United States, except Alaska, Hawaii, Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, for 180 days. Supporting shipper: White Farm Equipment Co., 300 Lawler Street, Charles City, IA 50616 (Richard D. Jones, Manager Traffic, and Sales Order Department). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124078 (Sub-No. 491 TA), filed July 9, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strontium carbonate*, in bulk, from Cartersville, Ga., to Washington, Ind., for 180 days. Supporting shipper: Chemical Products Corp., Cartersville, Ga. 30120 (Ben H. Collier, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124839 (Sub-No. 9 TA), filed July 6, 1971. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, 4800 Augusta Road, Savannah, GA 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except articles of unusual value, class A and B explosives, new furniture and household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require special equipment), between points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina (except Asheboro), South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, restricted against service from Brunswick and Marietta, Ga., to points in Florida; (2) *liquid chemicals*, in bulk, from Vienna, Ga., and Conway, N.C., to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia; and (3) *wood chips*, in bulk, between points in the territory named in (1) above, for 180 days. Supporting shipper: Georgia-Pacific Corp., Post Office Box 909, Augusta, GA 30903. Send protests to: District Supervisor G. H. Fauss, Jr. Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 128247 (Sub-No. 14 TA), filed July 2, 1971. Applicant: BURSAL TRANSPORT, INC., Mailing: Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fence, netting, hardware cloth, barbed wire, stockade panels, posts, angles and ends, metal and combination metal and wooden gates and fittings, nails, wire, welded fabric, rods, and staples*, from the plantsites of Mid-States Steel and Wire Co. located at Crawfordsville, Ind., to points in Michigan (except for the Upper Peninsula of Michigan) and Wisconsin, for 180 days. Supporting shipper: Mid-States Steel and Wire Co., Crawfordsville, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 128940 (Sub-No. 15 TA), filed July 8, 1971. Applicant: RICHARD A CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery goods, baking and freezing apparatus and equipment*, from points in Washington County, Md., to points in Pennsylvania, West Virginia, Kentucky, Ohio, Indiana, Illinois, Missouri, Iowa, Kansas, Minnesota, Wisconsin, and Michigan; and (2) *plastic film, cardboard, and corrugated cartons*, from Muncie, Ind., St. Louis and Hazelwood, Mo., and Harrisonburg, Va., for 150 days. Supporting shipper: Dutchie, Inc., 539 West Howard Street, Hagerstown, MD. Send protests to: District Supervisor Robert D. Caldwell, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 133029 (Sub-No. 3 TA), filed July 6, 1971. Applicant: DOEPP CROCKETT HAULING, INCORPORATED, Route 1, Box 92C, Dexter, NM 88230. Applicant's representative: Joseph F. Baca, Post Office Box 465, Albuquerque, NM 87103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Beer*, in kegs, bottles, cans and on pallets, and *empties* on return, from Houston, Tex., to Las Cruces, Albuquerque, and Santa Fe, N. Mex., from Houston, U.S. 290 to Brenham, 36 to Abilene, U.S. 84 to Post, U.S. 380 to Roswell, New Mexico, U.S. 285 to Santa Fe, U.S. 40 to Albuquerque, from Houston Interstate 10 to Las Cruces, N. Mex., for 180 days. Supporting shipper: Richard Distributing Co., Post Office Drawer R, Albuquerque, NM 87103. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 133534 (Sub-No. 4 TA), filed July 6, 1971. Applicant: ROBERT V. MARKT, 1409 Rifle Street, St. Joseph, MO 64506. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, ingredients thereof and animal health aids, and livestock feeders*, when moving in mixed shipments with animal and poultry feeds and ingredients, between St. Joseph, Mo., and its commercial zone, on the one hand, and, on the other, points in Kansas, Missouri, Nebraska, and Iowa, on and west of U.S. Highway 65, *damaged, rejected and refused commodities* on return, for 180 days. Supporting shippers: Wellens Co., Minneapolis, Minn.; Schreiber Mills, Inc., St. Joseph, Mo.; Allied Mills, Inc., St. Joseph, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133666 (Sub-No. 5 TA), filed July 9, 1971. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, MN 56296. Applicant's representative: Lawrence Jacobson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating oil* (distillate) No. 3, (residual) 4, 5, and 6 *oils, road oils, and asphalt*, in bulk, in tank vehicles. Restriction: deliveries to be made to road contractors and/or highway work sites, and asphalt mixing plants, from Superior, Wis., to points in Minnesota, for 180 days. Supporting shipper: Murphy Oil Corp., Superior, Wis. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 133985 (Sub-No. 2 TA), filed July 6, 1971. Applicant: RICHARD M. GODFREY TRUCKING, INC., 2200 South 3270 West Street, Salt Lake City, UT 84120. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Campers, travel trailers, and folding trailers*, in truckaway service, in initial movements, from Idaho Falls, Idaho, and points in Salt Lake City, Utah, to points in Washington, Oregon, California, Nevada, New Mexico, Arizona Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, with no transportation for compensation on return except as otherwise authorized, and *parts and supplies* used in the construction of the commodities specified above, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio, to Idaho Falls, Idaho, and to points in Salt Lake County, Utah, with no transportation for compensation on return except as otherwise authorized, under contract with Vista Liner, Inc.; (2) *campers, travel trailers, folding trailers, mobile homes, and modular units*, in truckaway service, in initial movements, from Salt Lake County, Utah, and Moses Lake, Wash., to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, with no transportation for compensation on return except as otherwise authorized, and, *parts and supplies* used in the construction of the commodities specified above, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio to Salt Lake County, Utah, and Moses Lake, Wash., with no transportation for compensation on return except as otherwise authorized, under contract with Utah Mobil Homes, Inc.;

(3) *Golf carts, snowmobiles, motorcycles, garden tools, and small tractors*, between Salt Lake County, Utah, on the one hand, and points in the States of Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, Mississippi, and Alaska, under contract with Boyd Martin Co.; (4) *campers, travel trailers, folding trailers, mobile homes, and modular units*, in truckaway service, in initial movements, from Salt Lake County, Utah, Moses Lake, Wash., and Hillsboro, Oreg., to points in Washington, Oregon, California, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, and parts and supplies used in the construction of the commodities specified above, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio, to Moses Lake, Wash., Hillsboro, Oreg., and to points in Salt Lake County, Utah, with no transportation for compensation on return except as otherwise authorized, under contract with Aladdin Trailer & Camper Manufacturing Co.; (5) *campers, travel trailers, folding trailers, mobile homes, and modular units*, in truckaway service, in initial movements, from Hillsboro, Oreg., to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, and parts and supplies used in the construction of the commodities specified above, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio, to Hillsboro, Oreg., with no transportation for compensation on return except as otherwise authorized, under contract with Freeway Campers;

(6) *Campers, travel trailers, folding trailers, mobile homes, and modular units*, in truckaway service, in initial movements, from Rocky Ford, Colo., to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, and parts and supplies used in the construction of the commodities specified above, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Nevada, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio to Rocky Ford, Colo., with no transportation for compensation on return except as otherwise authorized, under contract with Travois Manufacturing Co.; and (7) *golf carts, snowmobiles, motorcycles, garden tools, and small tractors*, between Denver, Colo., on the one hand, and points in the States of Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska, under contract with Golf Carts, Inc., for 180 days. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135752 TA, filed July 8, 1971. Applicant: FRISCO TRANSFER 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: *New furniture*, from the plantsite of Frisco Manufacturing Co., Inc., Frisco City, Ala., to points in the United States in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, for 180 days. Supporting shipper: Frisco Manufacturing Co., Inc., Frisco City, Ala. 36445. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No MC 135753 TA, filed July 8, 1971. Applicant: WILLIAMS TRANSPORT COMPANY, INC., 1815 High Point Avenue, Richmond, VA 23230. Applicant's representative: Roderick B. Matthews, 1200 Mutual Building, Richmond, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Components of nuclear steam supply system*, the size and weight of which requires special equipment and handling having

a prior movement by water, from Walkerton, Va., to the site of the Virginia Electric and Power Co., North Anna Power Station, Louisa County, Va., for 180 days. Supporting shippers: Stone and Webster Engineering Corp., Post Office Box 38, Mineral, VA 23117; Virginia Electric and Power Co., 400 North Eighth Street, Richmond, VA 23219. Send protests to: Mr. Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

MOTOR CARRIER OF PASSENGERS

No. MC 135754 TA, filed July 8, 1971. Applicant: ROBERT E. WILLIAMSON, JR., doing business as, HILTON HEAD ISLAND TRANSPORTATION CENTER, Post Office Box 5185, Hilton Head Island, SC 29928. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, from Beaufort, S.C., and Hilton Head Island, S.C., to Savannah, Ga., Savannah, Ga. (principally Savannah Airport), to Hilton Head Island, S.C., and to the town of Beaufort, S.C., over Highways 278, 46, 17, 21, and 170, for 180 days. Supporting shippers: Hilton Head Island Chamber of Commerce, Hilton Head Island, S.C. 29928; Bank of Beaufort, Beaufort, S.C. 29902; Sheraton Adventure Inn, Hilton Head Island, S.C. 29928; Sea Crest Motel, Hilton Head Island, S.C. 29928; Palmetto Dunes Resort, Inc., Hilton Head Island, S.C. 29928. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

By the Commission.

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

[FR Doc.71-10398 Filed 7-21-71;8:50 am]

[Notice 332]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No MC 11207 (Sub-No. 310 TA), filed July 12, 1971. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: C. N. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans*, less than 1 gallon capacity, from the plantsite and facilities of Continental Can Co. located at Pabst, Ga. (near Perry Ga.), to New Orleans, La., and its commercial zone, for 180 days. Supporting shipper: Continental Can Co., Inc., 2 Executive Park West NE., Atlanta, GA 30329, attention: H. T. Catchpole, Regional Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 30173 (Sub-No. 6 TA), filed July 12, 1971. Applicant: GAMACHE TRUCKING CO., INC., Bates Street, Post Office Box 612, Fall River, MA 02722. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., No. 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Philadelphia, Pa., to points in Connecticut, for 180 days. Supporting shipper: C. Schmidt & Sons, Inc., 127 Edward Street, Philadelphia, PA 19123. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 817 Westminster Street, Providence, RI 02903.

No. MC 30237 (Sub-No. 22 TA), filed July 8, 1971. Applicant: YEATTS TRANSFER COMPANY, Post Office Box 666, Altavista, VA 24517. Applicant's representative: W. Barney Arthur (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as described in Appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Chautauqua and Cattaraugus Counties, N.Y., and Warren, McKean, Erie, and Luzerne Counties, Pa., to points in Virgina, West Virginia, North Carolina, and South Carolina for 180 days. Supporting shippers: Jamestown Woodworking, Inc., Jamestown, N.Y.; Crescent Furniture Co., Warren, Pa.; Van Stee Corp., Jamestown, N.Y.; Crawford Furniture Manufacturing Corp., Jamestown, N.Y.; Maddox Table Co., Jamestown, N.Y.; Taylor-Jamestown Corp., Jamestown, N.Y.; Monitor Furniture Co., Inc., Jamestown, N.Y.; Baumritter Corp., 205 Lexington Avenue, New York, NY 10016; The Lane Co., Inc., Altavista, Va. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke VA 24011.

No. MC 54567 (Sub-No. 9 TA), filed July 12, 1971. Applicant: RELIANCE TRUCK COMPANY, 2500 North 24th Avenue, Phoenix, AZ 85009. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, AZ 85012. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and couplings; construction materials; contractors' machinery, equipment and supplies; machinery and machinery parts; metal and iron and steel products*, between points in Los Angeles, Riverside, and Orange Counties, Calif., and Fontana, Colton, Redlands, San Bernardino, Ontario, and Upland, Calif., on the one hand, and on the other Yuma, Ehrenberg, Parker, and Topock, Ariz., for 180 days. NOTE: With the right to tack or join said authority to the present authority held by Reliance Truck Co., in MC 54567 (Sub-No. 4), so as to enable through service between Arizona and the California service points and area sought hereby. Supporting shippers: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 82007 (Sub-No. 4 TA) (Correction), filed June 4, 1971, published FEDERAL REGISTER June 17, 1971, corrected and republished in part as corrected this issue. Applicant: SAMUEL COOPER GREEG, Yorklyn, Del. 19736. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. NOTE: The purpose of this partial republication is to include the tacking information as follows: Applicant states it does intend to tack the authority in MC 82007. The result of the application remains the same.

No. MC 85934 (Sub-No. 61 TA), filed July 12, 1971. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, MI 48120. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Gary, Ind., to the plantsite of Ford Motor Co. at Dearborn, Mich., for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 103051 (Sub-No. 242 TA), filed July 8, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., Post Office Box

7645, 934 44th Avenue North, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and animal fats*, in bulk, in tank vehicles, from Moultrie, Ga., to points in Louisiana, for 120 days. NOTE: Applicant does intend to tack authority here applied for to other authority held by it. Supporting shipper: Swift Fresh Meats Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 105045 (Sub-No. 32 TA), (amendment), filed June 14, 1971, published FEDERAL REGISTER June 24, 1971, amended and corrected in part, as amended this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Post Office Box 724, Evansville, IN 47701. Applicant's representative: George H. Veech (same address as above). NOTE: The purpose of this partial republication is to delete service in (1) from authority sought. The rest of the application remains the same.

No. MC 108207 (Sub-No. 32 TA), filed July 8, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street (75207), Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive, paints and chemicals* in vehicles equipped with mechanical refrigeration, from Springfield, Mo., to points in California, for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Minnesota Mining and Manufacturing Co. (3M Co.) 3M Center, St. Paul, MN 55101. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 108207 (Sub-No. 323 TA), filed July 12, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street (75207), Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Fort Worth, Tex., to Wichita, Kans., and Oklahoma City and Tulsa, Okla., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Lee's Country Candies, 6208 Jacksboro Highway, Fort Worth, TX 76135. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 111170 (Sub-No. 163 TA) (Amendment), filed June 3, 1971, published FEDERAL REGISTER June 16, 1971, amended and republished as amended this issue. Applicant: WHEELING PIPE LINC, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate feed supplements*, in bulk and in bags, from North Little Rock, Ark., to points in Louisiana, Mississippi, Missouri (except the St. Louis commercial zone), Kansas, Kentucky, Illinois, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Olin, Agricultural Division, Post Office Box 991, Little Rock, AR 72203. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201. NOTE: The purpose of this republication is to include the exceptions in Missouri.

No. MC 111812 (Sub-No. 426 TA), filed July 9, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 1233, 405½ East Eighth Street, Wilson Terminal Building, Sioux Falls, SD 57101. Applicant's representative: Ralph H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen blueberries*, from points in Washington and Hancock Counties, Maine, to points in New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, South Dakota, North Dakota, Missouri, Kansas, Nebraska, and Colorado, for 180 days. Supporting Shippers: Jasper Wyman & Son, Milbridge, Maine 04658, Merrill W. Newenham; Northeastern Packing Co., Franklin, Maine 04634, Prentice Strong, Jr.; Merrill Blueberry Farms, Inc., Ellsworth, Maine 04605, O. N. Merrill, President; Allen's Blueberry Freezer, Inc., 248 Main Street, Ellsworth, ME, George C. Allen, Secretary. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 113855 (Sub-No. 245 TA), filed July 12, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., U.S. Highway 52 South, Rochester, MN 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road rollers and scarifiers and parts and attachments therefor*, from the plant and warehouse sites of American Hoist & Derrick Co., at Minneapolis, Minn., to points in Colorado, District of Columbia, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Washington, West Virginia, Wisconsin, and Wyoming, for 150 days. Supporting shipper: American Hoist & Derrick Co., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 114328 (Sub-No. 6 TA), filed July 12, 1971. Applicant: CLACKAMAS TRUCKING CO., Post Office Box 127 Clackamas, OR 97015. Applicant's representative: Stanley W. Haberlach (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *class A and B explosives*, from Fredrickson, Wash., to points in Oregon, for 150 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, OR 97230.

No. MC 115955 (Sub-No. 20 TA), filed July 8, 1971. Applicant: SCARI'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, DE 19805, Arnold Avenue and Skeets Road, Greater Wilmington Airport, New Castle, DE 19720. Applicant's representative: Harry J. Scari (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Military impediments*, on shipments having immediate prior or subsequent movement by air, between Dover Air Force Base, Dover, Del., on the one hand, and, on the other, New York, N.Y., Newark, N.J., and Dulles International Airport, Va., for 180 days. Supporting shipper: Department of Defense, Defense Transportation Office, Washington, D.C. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 227 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 116254 (Sub-No. 125 TA), filed July 12, 1971. Applicant: CHEM-HAULERS, INC., Post Office Box 245, 1510 Main Avenue, Sheffield, AL 35660. Applicant's representative: Douglas Logue (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Georgia, and Tennessee, for 180 days. Supporting shipper: Morton Salt Co., Post Office Box 11868 Northside, Atlanta, GA 30305, Attention: R. F. Lally, Traffic Manager, Southern Region. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117416 (Sub-No. 40 TA), filed July 12, 1971. Applicant: MEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, TN 37921. Applicant's representative: Robert M. Sielaty, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, from points in Washington County, Ga., to points in Kentucky, Illinois, Indiana, Ohio, and

Michigan on and south of Interstate Highway 94, for 180 days. Supporting shipper: Anglo-American Clays Corp., 52 Executive Park South, Atlanta, GA 30329. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 126246 (Sub-No. 3 TA), filed July 6, 1971. Applicant: AMERICAN TRANSFER & STORAGE COMPANY, Post Office Box 47165, 950 West Mockingbird Lane, Dallas, TX 75247. Applicant's representative: W. N. McKinney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arkansas, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. NOTE: Carrier does not intend to tack authority sought. Supported by: There are approximately 42 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128375 (Sub-No. 63 TA), filed June 28, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, 1444 Main, Crete, NE. 68333. Applicant's representative: Richard A. Peterson, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from the warehouse and storage facilities of Amway Corp. located in Atlanta, Ga., commercial zone to points in Florida, for 180 days. Supporting shipper: Michael LaMonde, Traffic Manager, Amway Corp., 7575 East Fulton Road, Ada, MI 49301. Sent protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 129184 (Sub-No. 6 TA), filed July 9, 1971. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor alcoholic*, from Shenley, Pa., Cincinnati, Ohio, and Clermont, Ky., to Hidalgo, Laredo, Del Rio, El Paso, Eagle Pass, Galveston, Roma, Corpus Christi, and Presidio, Tex., and Nogales, Ariz., for 180 days. Supporting shipper: Exports, Inc., 244 Second Street, Blaine, WA. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133146 (Sub-No. 3 TA), filed July 6, 1971. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont Road NE., Atlanta, GA 30305. Applicant's representative: Robert E. Born, 10th Floor, Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, other than in bulk, from the plantsite and storage facilities of Monarch Wine Company of Georgia at Atlanta, Ga., to Charlotte, Durham, Elizabeth City, Fayetteville, Greensboro, Raleigh, Salisbury, and Winston-Salem, N.C., Columbia, S.C., Philadelphia, Pittsburgh, and Scranton, Pa., Memphis, Tenn., Alexandria, Bristol, Charlottesville, Danville, Lynchburg, Norfolk, Petersburg, Richmond, and Roanoke, Va., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, Post Office Box 6847, 451 Sawtell Avenue SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133453 (Sub-No. 12 TA), filed July 9, 1971. Applicant: TROJAN TRANSPORTATION, INC., 2729 Federal Street, Philadelphia, PA 19146. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, PA 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Jams, jellies, preserves, and juices*, in containers, from Philadelphia, Pa., to Elizabeth, South Kearny, Carlstadt, Edison, and Woodbridge, N.J.; Baltimore and Landover, Md.; Central Islip, Mount Kisco and New York, N.Y., and Richmond, Va., for 180 days. Supporting shipper: Theresa Friedman & Sons, Inc., Tomlinson Road and Jamison Avenue, Post Office Box 11580, Philadelphia, PA 19116. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133801 (Sub-No. 2 TA), filed July 7, 1971. Applicant: FEDERATION TRUCKING CORP., 1101 Prospect Avenue, Brooklyn, NY 11218. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Skis, ski boots, ski poles, hiking boots, ski clothes, and related accessories*, between the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in Passaic County, N.J., the Philadelphia, Pa., commercial zone as defined by the Commission, Nassau and Westchester Counties, N.Y., and Fairfield County, Conn., for 180 days. Supporting shipper: Interpage Corp., 16 West 16th Street, New York, NY 10011. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 133967 (Sub-No. 7 TA), filed July 7, 1971. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route No. 1, Catawba, WI 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, sashes, window units, screens, frames, and window blinds and parts and accessories thereof*, whether moving in separate or mixed shipments, from Ladysmith, Wis., to points in North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Nebraska, Pennsylvania, West Virginia, and Iowa; and *materials and supplies* used in the manufacture and distribution of the above commodities, from the destinations named, to Ladysmith, Wis., restricted to service under contract with Great Lakes Millwork Corp., Ladysmith, Wis.; and (2) *wooden pallets and pallet parts*, from Ogema, Wis., to points in Illinois, Indiana, Minnesota, Michigan, and Wisconsin; and *materials and supplies* used in the manufacture and distribution of the above commodities, from the destinations named, to Ogema, Wis., restricted to service under contract with E. W. Larson, Co., doing business as E. W. Larson, Co., Ogema, Wis., for 180 days. Supporting shippers: Great Lakes Millwork Corp., Ladysmith, Wis. 54848; E. W. Larson Co., Post Office Box 528, Ogema, WI 54459. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 135746 TA, filed July 7, 1971. Applicant: DELCO AIR FREIGHT, INC., 600 Rutledge Avenue, Folsom, PA 19033. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between points in Philadelphia, Chester, and Delaware Counties, Pa., restricted to traffic having a prior or subsequent movement by air, for 180 days. Supporting shippers: Penntube Plastics Co., Holley Street and East Madison Avenue, Clifton Heights, PA 19018; Airborne Freight Corp., Hook and Calcon Hook Roads, Sharon Hill, PA 19079; Five Star Air Freight Corp., Third and Governor Printz Boulevard, Lester, PA 19113; Jet Air Freight, 900 West Florence Avenue, Inglewood, CA 90301; Bunker-Ramo Corp., Barnes Division, 24 North Lansdowne Avenue, Lansdowne, PA 19050; Clifton Division of Litton Precision Products, Inc., Maple at Broadway, Clifton Heights, PA 19018; Dever, Inc., 26 Strawberry Street, Philadelphia, PA

19106; Associated Air Freight, Inc., Township Square Building, Hook Road, Sharon Hill, PA 19079. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135759 TA, filed July 12, 1971. Applicant: K & C TRANSPORTATION, INC., 9th Floor, Loyalty Building, Portland, Oreg. 97240. Applicant's representative: Carol A. Hewitt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Books and periodicals*, between Blackwood, N.J., on the one hand, and, on the other, points in Kings, Nassau, New York, Bronx, Queens, Richmond, Rockland, and Suffolk Counties, N.Y., Luzerne, Delaware, Philadelphia, and Lehigh Counties, Pa., Suffolk and Middlesex Counties, Mass., Burlington, Mercer, Middlesex, Somerset, Hudson, Essex, Passaic, Bergen, and Morris Counties, N.J., Baltimore, Carroll, Anne Arundel, and Clarke Counties, Md., New Haven County, Conn.; (2) *books, periodicals and library carts*, from Blackwood, N.J., to Marion, Ohio; Zion, Ill., Denver, Colo., and Beaverton, Oreg.; and (3) *books, periodicals and library carts*, from Beaverton, Oreg., to Denver, Colo., Zion, Ill., Marion, Ohio; and Blackwood, N.J., for 180 days. Supporting shipper: Richard Abel & Co., Inc., Post Office Box 4245, Portland, OR 97208. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

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

[FR Doc.71-10399 Filed 7-21-71;8:50 am]

[Notice 719]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 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-73000. By order of July 16, 1971, the Motor Carrier Board approved the transfer to Willard Freightways, Inc., Manhattan Beach, Calif., of the operating rights in Certificate No. MC-128273 (Sub-No. 22), issued March 4, 1969, to Midwestern Express, Inc., Fort Scott, Kans., authorizing the transportation of carpets from a plantsite at or near Lewisville, Ark., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. Harry Ross, 848 Warner Building, Washington, D.C. 20004, attorney for applicants.

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

[FR Doc.71-10400 Filed 7-21-71;8:50 am]

[Notice 58]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 16, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2900 (Sub-No. 213), filed June 16, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of General Tire and Rubber Co., at or near Mayfield, Ky., as an off-route point in connection with existing regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 2900 (Sub-No. 214), filed June 17, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the George C. Moore Co. located near Scottsboro, Ala., as an off-route point in connection with existing regular routes to and from Scottsboro, Ala.; and (2) Irregular

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

route: *Aluminum and aluminum articles*, from Lancaster, Pa., to Eatonton, Ga. 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 Atlanta, Ga.

No. MC 3062 (Sub-No. 31), filed June 7, 1971. Applicant: L. A. TUCKER TRUCK LINES, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in practices of *Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) serving the generating plant and facilities of Union Electric Co., at or near Rush Tower, in Jefferson County, Mo., as an off-route point in connection with applicant's regular-route operations between St. Louis, Mo., and Cape Girardeau, Mo.; and (2) serving the transmission and distribution facilities of said company between St. Louis and said generating plantsite at or near Rush Tower, Mo., as an intermediate and off-route point. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 5466 (Sub-No. 2), filed June 10, 1971. Applicant: FRANK & BROTHERS MOVING CO., INC., 112 North 12th Street, Brooklyn, NY 11211. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in the New York, N.Y., commercial zone on the one hand, and, on the other, points in New York, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 27817 (Sub-No. 94), filed June 24, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. 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: *Glass containers and closures therefor*, and *fiberboard boxes*, from the plantsites of Thatcher Glass Co. at or near Elmira, N.Y., and Wharton, N.J., to the plantsite of Duffy-Mott Co., Inc., at Aspers, Pa., restricted to traffic originating at and destined to the named plantsites. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 29647 (Sub-No. 42), filed June 21, 1971. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Post Office Box 2097, Hagerstown, MD 21740. Applicant's representative: Spencer T. Money, Park Lane Building, 2021 Eye Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, and except dangerous explosives, coin or currency, household goods, in truckloads, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 476), *coal, sand, crushed stone and lime*, between Baltimore, Md., and Philadelphia, Pa., over Interstate Highway 95, serving no intermediate points as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 30022 (Sub-No. 93), filed June 21, 1971. Applicant: PAUL S. CREBS, INC., 277 Ninth Street, Northumberland, PA 17857. Applicant's representative: Richard V. Zug, Woolson Building, Post Office Box 279, Springfield, Vt. 05156. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, from the plantsites of General Interiors, Inc., and its subsidiary corporations and divisions located at Berne, Ind., Buffalo and Castile, N.Y., Charlotte, N.C., and Covington, Hampton, and Richmond, Va., to the plants and warehouses of General Interiors, Inc., and its divisions and subsidiary corporations located in the counties of Union, Snyder, Lycoming, and Northumberland, Pa.; (b) *New furniture*, from the plants and warehouses of General Interior's, Inc., and its divisions and subsidiary corporations located in the counties of Northumberland, Union, Snyder, and Lycoming, Pa., to points in Pennsylvania including points in the said counties; and (c) *furniture display materials, furniture parts and nonliquid furniture materials*, between the plantsites and warehouses of General Interiors, Inc., and its divisions and subsidiary corporations located in the counties of Union, Snyder, Lycoming, and Northumberland in Pennsylvania and the plantsites of General Interiors, Inc., and its subsidiary corporations and divisions located at Berne, Ind., Buffalo and Castile, N.Y., Charlotte, N.C., and Covington, Hampton, and Richmond, Va. NOTE: Applicant states it intends to tack with existing authorities at Lewisburg, Pa., to provide a through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30884 (Sub-No. 16) (Correction) filed May 3, 1971, published in the FEDERAL REGISTER issues of May 27, 1971, and July 9, 1971, and republished in part, as corrected this issue. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto MC 30884 (Sub-No. 16), in lieu of 30844 (Sub-No. 16), inadvertently shown in previous publication on July 9, 1971. The rest of the application remains the same.

No. MC 31389 (Sub-No. 140), filed June 25, 1971. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Ascension, Iberville, and Livingston Parishes, La., as off-route points in connection with applicant's existing regular routes in said counties. NOTE: Applicant holds no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 32882 (Sub-No. 60), filed June 14, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representatives: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205, and Ellis F. Chartier, Box 17039, Portland, OR 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles, transported on trailers, and related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, ex parte, MC 45, 61 M.C.C. 209 and 766; and (4) *pipe* other than iron or steel, together with fittings; and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington,

Idaho, Nevada, and Utah. NOTE: Applicant will tack between Oregon, Washington, Nevada, Utah, and will tack between California and Montana. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 35320 (Sub-No. 125), filed June 14, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate or sheet*, from points in Hancock County, Ky., to points in Arkansas, Oklahoma, Kansas, Texas, and Louisiana. 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 Nashville, Tenn., or any location convenient to the Commssion.

No. MC 35358 (Sub-No. 25), filed June 14, 1971. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalster Drive NE., Minneapolis, MN 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures and equipment and furniture*, between points in Nebraska on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 37378 (Sub-No. 2), filed June 7, 1971. Applicant: SANDERS TRUCK LINE, INC., 301 Forster Street, Post Office Box 352, Farmington, MO 63640. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., and the generating plant and facilities of Union Electric Co., at or near Rush Tower, in Jefferson County, Mo.; from St. Louis, over U.S. Highway 61 and Interstate Highway 55 to junction Jefferson County Highway AA, thence over Jefferson County Highway AA and unnumbered county roads to the plantsite, at or near Rush Tower, Mo., and return over the same route, serving the intermediate and offroute generation, transmission and distribution facilities of said company between St. Louis and said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Jefferson City, Mo.

No. MC 52460 (Sub-No. 108), filed June 16, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representatives: Louis I. Dailey, Sterick Building, Suite 2205, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, between Tulsa, Okla., and points in Kansas and Oklahoma within 100 miles of Tulsa, on the one hand, and, on the other, points in Texas located on U.S. Highway 75. NOTE: Applicant states it is presently authorized under MC 52460 (Sub-No. 2) to conduct the operations sought herein with the exception of service to points in Texas on U.S. Highway 75, and that the principal purpose of this application is to obtain removal of the restriction "except those on U.S. Highway 75". Applicant further states that it intends to tack the requested authority to its existing authority under MC 52460 Subs 2 and 97, thereby providing service to points in Missouri, Kansas, Oklahoma, Arkansas, and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Tulsa, Okla., or Dallas, Tex.

No. MC 59264 (Sub-No. 50), filed June 17, 1971. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, NJ 08903. 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: *Printing ink*, in bulk, and tank vehicles, from Philadelphia, Pa., to Hoboken, N.J., and Glen Burnie, Md., restricted to shipments originating at the plantsite of Levey Dividion-Cities Service Co. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 61231 (Sub-No. 60), filed June 17, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA. 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpwood, hardboard, insulation and insulation materials, padding and cushioning materials, and materials and accessories* used in the installation of wallboard, pulpwood, hardboard, insulation, and insulation materials, from Cloquet, Minn., to points in Colorado, Montana, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 61592 (Sub-No. 203) (Correction), filed January 18, 1971, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. NOTE: The purpose of this partial republication is to show Iowa as a destination State in lieu of Idaho. The rest of the application remains as previously published.

No. MC 67450 (Sub-No. 41), filed June 14, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy bean products*, dry, in bulk, in tank vehicles, from Champaign, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant 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 67996 (Sub-No. 6), filed June 24, 1971. Applicant: DISTILLERY TRANSFER SERVICE, INC., Box 516, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used whiskey barrels*, from plant and warehouse sites of the Willett Distilling Co., Inc., near Bardstown, Ky., to Akron, 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 Louisville, Ky.

No. MC 73165 (Sub-No. 299), filed June 17, 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 route, transporting: *Fire hydrants, parts, and accessories; valves,*

iron or brass, or iron and brass combined; valve parts and valve accessories; pipe, with or without porcelain enamel, cement, cement mortar, or composition lining or coating, including *fittings and accessories; meter boxes, stop-cock boxes, or parts thereof; culverts, manhole covers or frames, catch basins, catch basin covers, or sewer inlets, cast iron unions*, from Clow Corp. plantsites and warehouse facilities at Oskaloosa, Iowa, to points in the United States east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indictates that it has no present intention to tack, and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 83726 (Sub-No. 3), filed June 7, 1971. Applicant: BRICKHAULERS, INCORPORATED, 34 Sillman Road, Wallingford, CT. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, in dump or tank vehicles), between points in Connecticut, restricted to shipments having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

No. MC 85465 (Sub-No. 38), filed June 16, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* 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 the plantsite and storage facility of Swift & Co. at Scottsbluff and Gering, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to shipments originating at or destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 87720 (Sub-No. 109), filed June 16, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber belting, matting, stair treads, packing, hose, machine parts, rubber heels, taps, soles, and soling*, together with *materials and supplies* used in the manufacture, production, or sale of the foregoing commodities (except in bulk), between Cambridge, Chelsea, and Stoughton, Mass., on the one hand, and, on the other, points in Virginia, West Virginia, North Carolina, and South Carolina, restricted to final delivery at Atlanta, Ga., under a continuing contract with American Biltrite Rubber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 87720 (Sub-No. 110), filed June 24, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, together with materials, supplies, and equipment*, used in connection with the manufacture, distribution, or sale of the aforementioned articles, between Riegelwood, N.C., and Cape Fear Warehouse, Leland, N.C., on the one hand, and, on the other, points in Maryland, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, under contract with Riegel Paper Corp. NOTE. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92319 (Sub-No. 4), filed June 24, 1971. Applicant: KENNETH GRAHAM, Route No. 1, Box 41–A, Brimley, MI 49715. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., to St. Ignace, Mich., under continuing contract with Mackinaw Distributing Co.; and (2) *nonalcoholic beverages*, from Minneapolis and St. Paul, Minn., and Chicago, Ill., to Sault Ste. Marie, Mich., under continuing contract with Soo Bottling Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 95540 (Sub-No. 813), filed June 18, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Newburgh, N.Y., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 101186 (Sub-No. 11), filed June 16, 1971. Applicant: ARLEDGE TRANSFER, INC., Post Office Box 157, Burlington, IA 52601. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over 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 Washington, Iowa and St. Louis, Mo.: From Washington over Iowa Highway 92 to its junction with U.S. Highway 218, thence over U.S. Highway 218 to its junction with U.S. Highway 61, thence over U.S. Highway 61 to its junction with Interstate Highway 70, and thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving all intermediate points in Iowa, serving Wayland, Iowa, as an off-route point and serving points in the St. Louis commercial zone as defined by the Commission, as intermediate or off-route points. NOTE: If a hearing is deemed necessary applicant requests it be held at Burlington or Des Moines, Iowa.

No. MC 103993 (Sub-No. 642), filed June 18, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Providence County, R.I., 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 Boston, Mass.

No. MC 105566 (Sub-No. 36), filed June 9, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 73701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite or storage facilities at Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. NOTE:

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105566 (Sub-No. 39), filed June 28, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Mount Morris, Ill., to points in Oregon, Washington, Utah, California, Nevada, Idaho, Montana, and Arizona. 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 107496 (Sub-No. 806) (Amendment) filed March 29, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished as amended, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as above). The purpose of this partial republication is to redescribe Part (5) of the authority sought to read as follows: (5) *acid base detergent sanitizer*, in bulk, from St. Paul, Minn., to Rockford, Ill., and St. Louis, Mo. The rest of the application remains the same.

No. MC 107826 (Sub-No. 5), filed June 9, 1971. Applicant: WILLIAM R. FOWLER, Delsea Drive, Eldora, NJ 08270. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fish products*, in bulk, from Wildwood, N.J., to points in New York, Pennsylvania, Ohio, Virginia, Delaware, and Maryland. 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 107993 (Sub-No. 20), filed June 2, 1971. Applicant: J. J. WILLIS TRUCKING COMPANY, 306 East Second Street, Post Office Box 2112, Odessa, TX 79760. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, because of size or weight, require the use of special equipment, and *parts* thereof when their transportation is incidental to the transportation of such commodities; (2) *machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (3) *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines other than pipelines used for the transmission of natural gas, petroleum, and their products and byproducts, including the stringing and picking up of pipe, restricted to the transportation of shipments moving to or from pipeline rights-of-way; (4) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers; and

(5) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells; (a) between Topock, Ariz., and Needles, Calif; (b) between Parker, Ariz., and Earp, Calif.; (c) between Ehrenberg, Ariz., and Blythe, Calif.; and (d) between Yuma, Ariz., and Winterhaven, Calif. NOTE: The purpose of this application is to extend applicant's present authority to transport the commodities named across the Colorado River to the four named points in California. Applicant intends to tack or join the authority sought with its present authority at the four named points in Arizona in order to serve points in Arizona, New Mexico, Texas, Oklahoma, and Colorado, on the commodities sought in parts (1) and (4) (under applicant's MC–107993 certificate and its sub 8 certificate and under certificate MC–637 which applicant has acquired pursuant to Commission authorization in MC–F–10675); points in Arizona, New Mexico, Texas, Louisiana, Kansas, Oklahoma, Arkansas, Colorado, Utah, and Wyoming on the commodities sought in parts (2) and (5) (under applicant's lead and subs 10 and 11 certificates and under certificate MC–637 which applicant has acquired pursuant to MC–F–10675); and points in Arizona, New Mexico, Texas, and Louisiana on the commodities sought in part (3) (under applicant's subs 7 and 12 certificates). Applicant intends to interchange with other carriers at the four named points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., and Dallas, Tex.

No. MC 108053 (Sub-No. 107), filed June 21, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. 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: *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); (1) from Madison, Wis., to points in Montana; and (2) from Des Moines and Perry, Iowa, to points in Arizona, California, Nevada, Oregon, and Washington, restricted to traffic originating at plantsite and/or storage facilities of Oscar Mayer & Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108393 (Sub-No. 49), filed June 18, 1971. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment materials, and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances; (1) between Carol Stream, Ill., Columbus, Ind., Charlotte, Mayville, and South Haven, Mich., on the one hand, and on the other, Clyde, Ohio; and (2) between Danville, Ky., on the one hand, and, on the other, La Porte, Ind., under continuing contract or contracts with Whirlpool Corp. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 327), filed June 9, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenbeck (same address as above) and Adolph Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk; (1) from Keokuk, Iowa, to points in the United States (excluding Alaska and Hawaii); (2) from Cedar Rapids, Iowa, to points in the United States (excluding Alaska and Hawaii); (3) from Clinton, Iowa, to points in the United States (excluding Alaska and Hawaii); and (4) from Muscatine, Iowa, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 328), filed June 16, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from points in Indiana, Illinois, Minnesota, Nebraska, South Dakota, and Wisconsin, to the plantsite and warehouse facilities of Armour-Dial, Inc., at or near Fort Madison, Iowa; and (2) *meats*, cooked, or cured or preserved, with or without vegetable, mild, egg or fruit ingredients (other than frozen), from the plantsite and warehouse of Armour-Dial, Inc., at or near Fort Madison, Iowa, to points in Illinois, Minnesota, 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 Chicago, Ill., or Minneapolis, Minn.

No. MC 108449 (Sub-No. 330), filed July 2, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 including *tallow, greases, animal fats and oils, lard and lard compounds*, in bulk, but excluding hides, pelts, and pieces thereof from the plantsite or storage facilities utilized by Illini Beef Packers at or near Joslin, Ill., to points in Illinois, Iowa, Indiana, Wisconsin, Minnesota, and Missouri, restricted to traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110525 (Sub-No. 1008), filed June 17, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as above) 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: *Liquid chemicals*, in bulk, in tank vehicles: (1) from Wallingford, Conn., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York; (2) from Ballardvale and Beverly, Mass., to points in Maine, New Hampshire, New York, and Vermont; and (3) from Everett, Mass., to points in Connecticut, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110525 (Sub-No. 1009), filed June 21, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as above) 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: *Spent ammonia solution*, in bulk, in tank vehicles, from Charlottesville, Va., to Wilmington, Del. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1010), filed June 25, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as above) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in shipper-owned trailers, from Roseville, Pa., to plantsite of American Lubricants, Inc., at Buffalo, N.Y., restricted to traffic originating at the above origin and destined to the described plantsite destination. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 111375 (Sub-No. 50), filed June 14, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 4567 East Barnard Avenue, Cudahy, WI 53110. 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: *Cheese making ingredients*, from Madison, Wis., to points in Washington, Oregon, California, Idaho, Utah, Montana, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 160), filed June 21, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, SE., Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6462, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities*, the transportation of which because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; (2) *self-propelled articles, and related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers); (3) *commodities* which do not require the use of special equipment or handling when moving with commodities the transportation of which because of size or weight require the use of special equipment as part of the same shipment on the same bill of lading and on the same vehicle; (4) *construction, agricultural, maintenance, material handling, and industrial machinery and equipment; pipe; iron and steel articles; lumber;* and (5) *parts, accessories, and attachments* for commodities described in (1), (2), (3), and (4) above; between points in Alabama, Arkansas, Louisiana, and Mississippi;

(B) *Commodities*, the transportation of which because of size or weight requires the use of special equipment; between Chattanooga, Tenn., and points within 175 miles of Chattanooga, Tenn. NOTE: With respect to authority sought in part B above, applicant already holds in its Sub-75 authority identical to that sought in part B except that said Sub-75 excepts points in Mississippi. The purpose and effect of the authority sought in part B above is to remove the exception involving Mississippi from Sub-75. Applicant is not seeking duplicating authority and would be willing to surrender Sub-75 in exchange for the authority sought in part B if found to be appropriate and required. Applicant intends to tack the authority sought in parts A and B with authority presently held by applicant at points in Alabama, Arkansas, and Mississippi to serve points in the States of Georgia, Florida, South Carolina, North Carolina, Tennessee, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Ohio, Kentucky, Indiana, Michigan Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Texas,

New Mexico, Utah, and Arizona. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. 111729 (Sub-No. 321), filed June 14, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith;* (a) between Milwaukee, Wis., on the one hand, and, on the other, Paris and Sterling, Ill., and Des Moines, Iowa; (b) between Pottstown, Pa., and Richmond, Va.; (c) between Cincinnati, Ohio, on the one hand ,and, on the other, Baldwin, St. Charles, and St. Louis, Mo., and Edwardsville, Ill.; (d) between Grand Rapids, Mich., on the one hand, and, on the other, Marion, Ind.; and (e) between Rolling Meadows, Ill., on the one hand, and, on the other, Clinton, Iowa; (2) *ophthalmic goods, business papers, and records*, between Whitewater, Wis., on the one hand, and, on the other, Chicago, Decatur, Joliet, Peoria, and Rockford, Ill.; Evansville, Fort Wayne, Gary, Hammond, Indianapolis, and South Bend, Ind.; Burlington, Cedar Rapids, Davenport, and Dubuque, Iowa; Minneapolis and St. Paul, Minn.; (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Cincinnati, Ohio, on the one hand, and, on the other, Edwardsville, Ill., and Baldwin, St. Charles, and St. Louis, Mo., and

(4) *Cut flowers, decorative greens, and florist supplies*, on traffic having an immediately prior or subsequent movement by air or motor vehicle; (a) between points in Alabama; (b) between points in Georgia; (c) between points in Florida; (d) between points in Minnesota; (e) between points in Texas; (f) between points in Wisconsin; and (g) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin. NOTE: Applicant holds contract carrier authority under MC 112750 Sub-No. 73, therefore, dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112520 (Sub-No. 244), filed June 21, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and water treatment compounds*, in bulk, from points in Bibb County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. 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 Atlanta, Ga.

No. MC 112668 (Sub-No. 54), filed June 21, 1971. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, MD 21048. Applicant's representatives: Norman E. Shipley (same address as applicant) and W. Wilson Corroum, Benson Road, Finksburg, MD 21048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, from Millville, W. Va., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 123), filed June 11, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fat* (tallow) in bulk, in tank vehicles, from points in Missouri, Iowa, Kansas, and Nebraska to Nebraska City, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 124), filed June 14, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60603. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed supplements*, in bulk, from (1) Fremont, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming; and (2) from Humboldt, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113047 (Sub-No. 8), filed June 14, 1971. Applicant: BUANNO TRANSPORTATION CO., INC., Rural Delivery, No. 1, Fort Johnson, NY 12070. 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: *Malt beverages*, in containers and *advertising material* relating to malt beverages, from Williamsett, Mass., Philadelphia, Pa., and Baltimore, Md., to Gloversville, N.Y., and *empty malt beverage containers* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or New York, N.Y.

No. MC 113855 (Sub-No. 243) (Amendment), filed June 10, 1971, published in the FEDERAL REGISTER issue of July 9, 1971, and republished as amended, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), (2) *equipment* designed for use in conjunction with tractors, (3) *agricultural, industrial and construction machinery, and equipment*, (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (5) *attachments* for the above-described commodities, (6) *internal combustion engines*, and (7) *parts* of the above-described commodities when moving in mixed loads with such commodities; and (8) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) through (7) above, between Grand Island, Nebr., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming and the ports of entry on the United States-Canadian boundary line located in North Dakota and Minnesota. NOTE: The purpose of this republication is to redescribe the authority sought. Applicant 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 114211 (Sub-No. 156), filed June 18, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Agricultural machinery and implements, loaders, unloaders, trailers, platforms, hydraulic equipment, refuse equipment, industrial and construction machinery and equipment, plows, truck equipment, truck bodies, containers, compactors, winches, parts, and attachments;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the above-mentioned commodities, between points in Grundy, Story, and Cerro Gordo Counties, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points of territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114290 (Sub-No. 52) (Correction), filed October 8, 1970, published FEDERAL REGISTER, issues of November 13, 1970, and June 30, 1971, and republished as corrected this issue. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products*, and (2) *frozen foods*, from (1) points in Washington to points in Oregon, California, and Arizona, and; (2) from points in Oregon to points in California, Washington, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly set forth the territory proposed to be served. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg. It should also be noted that the hearing scheduled for July 28, 1971, at Seattle, Wash., has been postponed indefinitely.

No. MC 114328 (Sub-No. 5), filed June 16, 1971. Applicant: CLACKAMAS TRUCKING CO., Post Office Box 127, Clackamas, OR 97015. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, supplies, and materials* used in connection therewith, from Atlas, Mo., and the magazines of Atlas Chemical Industries, Inc., at or near Baxter Springs, Kans., to points in California, Nevada, Idaho, and Montana under contract with Atlas Chemical Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 113), filed June 17, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs* (except in bulk in tank vehicles), from Champaign, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, West Virginia, and points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81 and Allentown, Pa. NOTE: Applicant states that it could tack canned food authority from Minnesota to serve points in Kentucky, Indiana, West Virginia, and the described portions of New York, Pennsylvania, Maryland, and Allentown, Pa. Applicant further states that it would be willing to restrict against duplicating authority as done in MC 114457 (Sub-No. 49). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 114), filed June 18, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Iowa City, Iowa, to points in Minnesota, North Dakota, South Dakota, and Superior, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., or Pittsburgh, Pa.

No. MC 114457 (Sub-No. 115), filed June 21, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, polyurethane, foam pads or padding* used for mattresses or upholstery, from Council Bluffs, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114632 (Sub-No. 47), filed June 21, 1971. Applicant: APPLE LINES, INC., Post Office Box 507, Madison, SD 57042. Applicant's representatives: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, and Robert A. Appelwick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in 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), from points in Minnesota, Nebraska, Kansas, and South Dakota to Fort Madison, Iowa, restricted to traffic destined to the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa; and (2) *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, to points in Minnesota and Missouri, restricted to traffic originating at the above-specified plantsite and/or storage facilities and destined to the above-specified destinations. NOTE: Applicant holds contract carrier authority under MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa, or Omaha, Nebr.

No. MC 115180 (Sub-No. 72), filed June 14, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Swift Fresh Meats Co., at Omaha, Nebr., Glenwood and Marshalltown, Iowa, to points in New York, New Hampshire, Connecticut, Vermont, Maine, New Jersey, Massachusetts, Rhode Island, Pennsylvania, West Virginia, Delaware, Maryland, Virginia, and the District of Columbia. Restricted to products originating at the plantsites at Glenwood and Marshalltown, Iowa, and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Washington, D.C., or Chicago, Ill.

No. MC 115491 (Sub-No. 122), filed June 25, 1971. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, between points in Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115841 (Sub-No. 412), filed June 2, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 168, Concord, TN 37720. Applicant's representatives: Roger M. Shaner (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Kansas, Kentucky, Nebraska, Ohio, Missouri, and Pennsylvania. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 116519 (Sub-No. 13), filed June 21, 1971. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route No. 6, Chatham, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Agricultural machinery and agricultural implements*, other than hand implements; (B) *self-propelled industrial and construction machinery;* and (C) *parts and attachments* for the above goods: *Provided*, That the same may only be carried when their transportation is incidental to the transportation of the goods described in (A) and (B) inclusive above, between ports of entry along the United States-Canada boundary line in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming). RESTRICTION: (1) Transportation authorized herein is restricted to traffic moving in foreign commerce originating at or destined to points in the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, Canada; (2) No single piece of machinery or equipment transported hereunder shall exceed 30,000 pounds in weight. NOTE: Applicant states that the requested authority cannot be tacked with its existing authoriy. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116763 (Sub-No. 199), filed June 17, 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: (1) *Doors and door sections; and* (2) *accessories, parts, and materials* used in the installation and operation of items named in (1) above, from Russia, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking possibilities may exist, however applicant does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117765 (Sub-No. 126), filed June 16, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery*, from plantsite of Advance Metal Working Co., Kewanee, Ill., to points in Kansas and Oklahoma; and (2) *malt beverages, in containers and related advertising material;* (a) from plantsite of Pabst Brewing Co., Peoria, Ill., to Emporia, Kans., and Lawton, Okla.; and (b) from plantsite of Lone Star Brewing Co., San Antonio, Tex., to points in Arkansas, Oklahoma, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 53), filed June 24, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cheriton, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117940 (Sub-No. 54), filed June 30, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall Becker, 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: *Candy and confectionery products*, from Bethlehem, Pa., to Los Angeles and Oakland, Calif.; Denver, Colo.; Chicago, Ill.; Waterloo, Iowa; Minneapolis, Minn.; Omaha, Nebr.; Dallas, Tex.; and Seattle, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118831 (Sub-No. 81), filed June 24, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representatives: Richard E. Shaw (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry*, in bulk, from points in Georgia to points in the United States located in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. 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. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 118959 (Sub-No. 97), filed June 21, 1971. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Billy J. Oxford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1a) *Paper and paper products*, from Taylorville, Ill., to points in Colorado and Utah; and (2a) *equipment, materials, and supplies* used in the manufacture of paper and paper products, except commodities in bulk or those requiring the use of special equipment, from points in Colorado and Utah to Taylorville, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119789 (Sub-No. 76), filed June 18, 1971. Applicant: CARVAN 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: *Carpeting*, from Anaheim, Calif., to Libertyville, Ill., and Milwaukee, Wis. NOTE: Applicant states that the

requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 77), filed June 18, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore, Post Office Box 6188, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Tabor City, N.C., to points in Indiana, Ohio, Michigan, Illinois, Wisconsin, Missouri, Mississippi, Louisiana, Texas, Oklahoma, Kansas, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 120543 (Sub-No. 68), filed June 21, 1971. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, FL 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus products*, from Corpus Christi, Tex., and points in Hidalgo County, Tex., to ports of entry on the international boundary line between the United States and Canada located in the States of Michigan and New York for furtherance to points in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 121597 (Sub-No. 2), filed June 7, 1971. Applicant: CHICKASAW MOTOR LINES, INC., 531 Woodycrest Avenue, Nashville, TN 37211. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk and commodities requiring special equipment); (1) Between Memphis, Tenn., and that part of its commercial zone lying within Tennessee, but excluding that part of its commercial zone lying outside of Tennessee, and junction of Tennessee Highways 100 and 18: From Memphis over Tennessee Highway 100 to its junction with Tennessee Highway 18, and return over the same route, serving all intermediate points between Somerville (including Somerville) and said junction of Tennessee Highways 100 and 18; (2) between Memphis, Tenn., and that part of its commercial zone lying within Tennessee, but excluding that part of its commercial zone lying outside of Tennessee, and junction of Tennessee Highways 100 and 18: From Memphis over Tennessee Highway 57 to its junction with Tennessee Highway 18, thence over Tennessee Highway 18 to its junction with Tennessee Highway 100, and return over same route, serving all intermediate points between Collierville (including Collierville) and said junction of Tennessee Highways 18 and 100; (3) between Somerville and Moscow, Tenn., over Tennessee Highway 76, and return over the same route, serving all intermediate points; (4) between Bolivar, Tenn., and Whiteville, Tenn., over Tennessee Highway 15, and return over the same routes, serving all intermediate points; and (5) between junction of Tennessee Highways 18 and 138, and the junction of Tennessee Highways 138 and 100, over Tennessee Highway 138, and return over the same route, serving all intermediate points. Restriction: Restricted against the tacking or joinder with any other authority held by applicant so as to provide any service between Memphis and Nashville, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123069 (Sub-No. 12), filed June 16, 1971. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, OH 43212. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk), in tank vehicles, from the plant and storage facilities of Kraft Foods Division of Kraftco Corp. at Champaign, Ill., to points in the Lower Peninsula of Michigan, points in Kentucky, and to those points in New York, Maryland, and Pennsylvania on and west of Interstate Highway 81. 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 123639 (Sub-No. 138), filed June 11, 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: *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 the plantsite and/or cold storage facilities utilized by Wilson Sinclair Co., at or near Cedar Rapids, Iowa, to points in Nebraska, restricted to the transportation of 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, Ill.

No. MC 124078 (Sub-No. 490), filed June 18, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from disabled motor vehicles, rail cars, and barges, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124211 (Sub-No. 187), filed June 7, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products, nuts, snack foods, and food products*, from Chicago, Ill., and points in Cook County, Ill., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington. NOTE: Applicant states it may presently provide a portion of the services requested herein by tacking existing authorities held in MC 124211 Sub Nos. 121, 62, and 117 at Washington County and South Sioux City, Nebr. If oral hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 188), filed June 7, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products, nuts, and snack foods, and food products*, from Chicago, Ill., and points in Cook County, Ill., to points in Oklahoma and Texas. NOTE: Applicant states it can presently perform a portion of the service sought herein by tacking existing authorities held in MC 124211 Sub Nos. 121 and 119 at Lincoln, Nebr., and herein seeks elimination of the gateway necessity in order to perform the service as sought hereinabove. Applicant further states that the authority as requested herein cannot be tacked with its other presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124708 (Sub-No. 33), filed June 14, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, NE 68114. Applicant's representative: Donald M. Morken, 1000

First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite or storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington under contract with Illini Beef Packers, Inc. Restriction: Restricted to traffic originating at the named plantsite or storage facilities and destined to the named destinations. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 124708 (Sub-No. 34), filed June 14, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, NE 68114. Applicant's representative: Donald M. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. 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), under contract with Illini Beef Packers, Inc., from the plantsites or storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. Restricted to traffic originating at the named plantsites or storage facilities and destined to the named destination. NOTE: Common control and dual operations may be involved. Applicant states no duplicating authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 126305 (Sub-No. 33), filed June 21, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, AL 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from the facilities of Instruments Systems Corp. and American Cellophane & Plastic Films Corp., at Louisville, Ky., to points in Illinois, Indiana, Michigan, Pennsylvania, Ohio, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, North Carolina, Connecticut, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126605 (Sub-No. 2), filed June 17, 1971. Applicant: J. M. BEAVER, doing business as BEAVER'S DUMP TRUCK SERVICE, Route 3, Box 10, Live Oak, FL 32060. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone and limestone products*, from points in Florida to points in Georgia; and (2) *fertilizer and fertilizer materials*, dry, in bulk, in dump trucks, between points in Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with the its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 127099 (Sub-No. 15), filed June 17, 1971. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, OH 43701. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material handling machines and parts and accessories* thereto, from the plantsite of the Stewart-Glapat Corp. at Zanesville, Ohio, to points in the United States on and east of U.S. Highway 85, under continuing contract with the Stewart-Glapat Corp., Zanesville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127100 (Sub-No. 8), filed June 25, 1971. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Applicant's representative: Earl F. Boxell, 9th Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt (beer and ale) beverages in containers*, from St. Paul, Minn., to Lima, Ohio, and *empty containers* on return movement from Lima, Ohio, to St. Paul, Minn., under contract with Shawnee Distributors, Inc., an Ohio corporation with its principal place of business at Lima, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., and Indianapolis, Ind.

No. MC 127339 (Sub-No. 2), filed June 18, 1971. Applicant: EUGENE W. KETTLESON, doing business as KETTLESON CARTAGE, 4301 Lilley Road, Wayne, MI 48184. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood products* from points in Oakland County, Mich., to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and Virginia; and (2) *materials, supplies, and equipment* used or useful in the manufacture of wood products, from points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, Wisconsin and Virginia, to points in Oakland County, Mich., under a continuing contract or contracts with Nationwide Door Co., Walled Lake, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 127689 (Sub-No. 45), filed June 21, 1971. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 701 East Pine Street, Post Office Box 987, Hattiesburg, MS 39401. Applicant's representative: Wally Fondaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of Sumter Plywood Corp. near Livingston, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee, and on return, *damaged, rejected, or refused shipments* of such commodities to the point of origin. 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 Jackson, Miss., or Montgomery, Ala.

No. MC 128375 (Sub-No. 60), filed June 21, 1971. Applicant: CRETE CARRIER CORPORATION, 1444 Main, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, floor wax, floor polishers, and carpet washers, vacuum cleaner bags and related advertising, display, and promotional materials*, from French Lick, Ind., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, under a continuing contract with Liggett & Myers Inc., its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128375 (Sub-No. 61), filed June 21, 1971. Applicant: CRETE CARRIER CORPORATION, 1444 Main, Post Office Box 249, Crete, NE 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from the warehouse and storage facilities of Amway Corp. located in the Atlanta, Ga., commercial zone, to points in Alabama, Tennessee, Georgia, Florida, North Carolina, South Carolina, Virginia, and West

Virginia, under continuing contract with the Amway Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 128375 (Sub-No. 62), filed June 21, 1971. Applicant: CRETE CARRIER CORPORATION, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco and tobacco products, and advertising and promotional items* when moving in the same vehicle and at the same time with tobacco and tobacco products, from Durham, N.C., to El Paso, Tex., and points in Minnesota, Wisconsin, Iowa, and Missouri, under contract with Liggett & Myers Inc., its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128738 (Sub-No. 1), filed May 25, 1971. Applicant: JOE N. QUINCE, doing business as QUINCE UNLOADING & FREIGHT HANDLING SERVICE, 219 Chestnut Street, Beloit, WI 53511. Applicant's representative: Joe N. Quince (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salvage material*, except commodities in bulk, between Chicago, Ill., on the one hand, and, various points in the States of Wisconsin, Indiana, Ohio, and Michigan on the other, under contract with Kirman Surplus Sales, Chicago, Ill.; (2) *rough castings and foundry supplies*, except commodities in bulk, between South Beloit, Ill., on the one hand, and, various points in the States of Wisconsin, Indiana, Ohio, and Michigan on the other, under contract with Beloit Foundry Co., South Beloit, Ill.; and (3) *rough castings and foundry supplies*, except commodities in bulk, between South Beloit, Ill., on the one hand, and, various points in the States of Wisconsin, Indiana, Ohio, and Michigan on the other, under contract with Mork Foundries, Inc., South Beloit, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 128866 (Sub-No. 24), filed June 22, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, 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 the plantsites of American Bakeries, Inc., Dallas, Tex.; Grace Paper Co., Miami, Fla.; Great Atlantic & Pacific Tea Co., New Orleans, La., and Jacksonville, Fla.; and F. M. Stamper, Inc., Turlock, Calif., 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 129187 (Sub-No. 1) (Amendment) filed April 19, 1971, published in the FEDERAL REGISTER issue of May 13, 1971, and republished this issue. Applicant: CLAY PRODUCTS TRANSPORT, INC., Post Office Box 429, Dover, OH 44622. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and related supplies* used in the manufacture of iron and steel articles, between Dover, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, West Virginia, and Wisconsin under a continuing contract with Reeves-Bowman Division of Cyclops Corp. and Empire Detroit Steel Division of Cyclops Corp. NOTE: Applicant holds common carrier authority under MC 87532 and subs thereunder, therefore common control and dual operations may be involved. NOTE: The purpose of this republication is to add *Empire Detroit Steel Division of Cyclops Corp.* as an additional supporting shipper: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133686 (Sub-No. 7), filed June 1, 1971. Applicant: TOM SAWYER, Box 3, Kingston, ID 83839. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Idaho, Oregon, and Washington, to Bismarck and Fargo, N. Dak., under contract with Albrecht's Frozen Foods, Big Red Grocery Co., and Cass-Clay Creamery, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133794 (Sub-No. 3), filed June 22, 1971. Applicant: CONVERTERS TRANSPORTATION, INC., Box 351, Garnerville Holding Terminal, Garnerville, NY 10923. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piece goods*, between the facilities of Hull Dye & Print Works, Inc., at West Haven, Conn., on the one hand, and, on the other, points in Rockland and Westchester Counties, N.Y.; New York, N.Y.; and points in Bergen, Essex, Hudson, Passaic, Union, and Middlesex Counties, N.J.; and (2) *materials and supplies* used in the dyeing or finishing of piece goods from the above-named points in New York and New Jersey to the plant of Hull Dye & Print Works, Inc., at Derby, Conn., under contract with Hull Dye & Print Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133819 (Sub-No. 5), filed June 21, 1971. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Crossett, AR 71635. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood sawdust, chips and shavings* from Hamburg, Ark., to Monroe, La., under a continuing contract with P. E. Barns Lumber Co., of Hamburg, Ark.; (2) *wood chips, sawdust and shavings* from Monroe, La., to Crossett, Ark., under a continuing contract with Walter Kellogg Lumber Co.; (3) *wood sawdust, chips, and shavings* from points in Arkansas and Mississippi to Lillie and West Monroe, La., under a continuing contract with Olinkraft, Inc.; (4) *wood sawdust, chips, and shavings* from Urbana, Ark., to Springhill, La., under a continuing contract with Anthony Brothers Wood Co.; and (5) *wood residuals* between points in Arkansas on and south of U.S. Highway 82, on the one hand, and, on the other, points in Louisiana on and north of a line beginning at the Louisiana-Mississippi State line; thence along U.S. Highway 84 to Archie, La.; thence along Louisiana Highway 28 to Alexandria, La.; thence along Louisiana Highway 1 to the junction of U.S. Highway 84; thence along U.S. Highway 84 to the Louisiana-Texas State line, under a continuing contract with Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 134182 (Sub-No. 7), filed June 9, 1971. Applicant: MILK PRODUCERS MARKETING COMPANY, a corporation, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Lawrence, KS 66044. Applicant's representatives: Warren H. Sapp, Kretsinger & Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106, and O. A. Olsen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by 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), from Emporia, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans. 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 Kansas City, Mo., Sioux City, Iowa, or Omaha, Nebr.

No. MC 134779 (Sub-No. 1), filed May 3, 1971. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a corporation, 1263 South Cherry Street, Janesville, WI 53545. Applicant's

representative: Walter N. Bieneman, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from plantsites of General Motors Corp. in Jackson County, Mo., to Janesville, Wis. NOTE: Applicant states the initial authority here sought may be used in combination with applicant's existing secondary authority for the transportation of vehicles moving from Jackson County, Mo., to Janesville, Wis., and subsequently reshipped by General Motors Corp. to destinations beyond Janesville. Applicant states it presently holds secondary authority between points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 134906 (Sub-No. 3), filed June 24, 1971. Applicant: CAPE AIR FREIGHT, INC., Post Office Box 905, Cape Girardeau, MO 63701. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motion picture films;* (2) *motion picture projector equipment;* (3) *supplies for motion picture theaters;* and (4) *printed matter;* (a) between Indianapolis, Ind., and points in Kentucky; (b) between Cincinnati, Ohio, and points in Kentucky; and (c) between Evansville, Ind., and points in Kentucky 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 Louisville, Ky.

No. MC 135072 (Sub-No. 3), filed June 14, 1971. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, North Evans, NY 14112. Applicant's representatives: E. George Perdix, 6 Gorham Street, Canandaigua, NY 14224, and William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, *materials and supplies* used in the conduct of such business, between the warehouse of Century Housewares, Inc., located in the town of Hamburg, N.Y., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, and Pennsylvania, under a continuing contract or contracts with Century Housewares, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135311 (Amendment) filed February 4, 1971, published in the FEDERAL REGISTER issue of March 11, 1971, and republished, as amended, this issue. Applicant: NICHOLAS T. CAPPIELLO AND ROBERT N. CAPPIELLO, a partnership, doing business as CAPPIELLO TRUCKING, 38 Cerretta Street, Stamford, CT 06907. Applicant's representative: Robert N. Cappiello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts and accessories*, between the plantsite of Toyota Motor Distributors, Inc., Lyndhurst, N.J., on the one hand, and, on the other, points in Connecticut. NOTE: The sole purpose of this republication is to amend the authority sought to operate as a common carrier, in lieu of contract carrier, as originally published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 135313 filed February 8, 1971. Applicant: R. H. DESHIELDS, doing business as DESHIELDS TRUCKING COMPANY, 101 Page Drive, Greenville, SC 29611. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, SC 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, loaded and unloaded, having immediately prior or immediately subsequent movement by rail in piggy back service, between points in Abbeville, Aiken, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartanburg, Union, and York Counties, S.C.; points in Alexander, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey Counties, N.C.; and points in Banks, Barrow, Clarke, Columbia, Dawson, Elbert, Fannin, Forsyth, Franklin, Greene, Gwinnett, Habersham, Hall, Hart, Jackson, Lincoln, Lumpkin, McDuffie, Madison, Morgan, Oconee, Oglethorpe, Rabun, Richmond, Stephens, Taliaferro, Towns, Union, Walton, Warren, White, and Wilkes Counties, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 135359 (Sub-No. 3), filed June 22, 1971. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages and advertising paraphernalia*, from Washington, D.C., to Leonardtown, Md., and (2) *used beverage containers, crates, cartons, pallets, and empty bottles*, on return, under contract with Tennison Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135634 (Sub-No. 2), filed June 25, 1971. Applicant: JOSEPH M. HANEY, SR., doing business as J. M. HANEY TRUCKING CO., 4754 Mahoning Avenue, Youngstown, OH 44515. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tail and exhaust pipes, tail and exhaust pipe hangers and clamps, brake parts, and mufflers*, from the plantsite of Midas-International Corp., at Chicago, Ill., to points in the Lower Peninsula of Michigan, Ohio, and Erie, Pittsburgh, New Castle, and Beaver Falls, Pa., under a continuing contract with Midas-International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135664 (Sub-No. 2), filed June 14, 1971. Applicant: D.C.C. TRANSPORTATION CO., INC., Box 277, West Memphis, AR 72301. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottle or can carrying boxes*, or crates, new, used, and/or reconditioned, from West Memphis, Ark., and Memphis, Tenn., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and, *materials, equipment, and supplies* utilized in the manufacture, distribution, and sale of the commodities described above, on return, restricted against the transportation of commodities in bulk, under a continuing contract with Delta Case Co., West Memphis, Ark., and Delta Case Repair Co., Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 135702, filed June 7, 1971. Applicant: CHARLES R. ELLSWORTH TRUCKING, INC., Box 385, Stroud, OK 74079. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58 Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 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 135721, filed June 14, 1971. Applicant: BRUCE FIELDS AND GLEN PIATT, a partnership, North Third Street, Union City, TN 38261. Applicant's representative: Glen Piatt (same address as applicants). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasolines, diesel fuel, and kerosene*, in bulk, in tank vehicles, from the Shell Oil Co. terminal at Paducah, Ky., to the bulk storage facilities of Fields Oil Co., Inc., at Paris, Tenn., restricted to transportation originating at the plantsite of Shell Oil Co. terminal, Paducah, Ky., and terminating at the destination of Fields Oil Co., Inc., Paris, Tex., under contract with Fields Oil Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 135728, filed June 21, 1971. Applicant: RICHARD J. FRANKS, 6 Maple Street, Alliston, ON Canada. Applicant's representative: Samuel Rosenthal, 530 Walbridge Building, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber and dressed lumber*, from ports of entry at or near Buffalo, Niagara Falls, and Watertown, N.Y., and Detroit, Mich., to points in New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, Massachusetts, Vermont, and return. NOTE: Applicant holds contract carrier authority under its No. MC 128441 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135725 (Sub-No. 1), filed June 24, 1971. Applicant: FRY TRUCKING, INC., Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients, premixes, trace minerals and mixtures, vitamins, animal health products, livestock medicines, insecticides and disinfectants, and mineral feeders*, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and Wisconsin; (2) *empty containers and paper bags*, from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, and Wisconsin, to Cedar Rapids, Iowa; (3) *feed and feed ingredients*, from Chicago, Ill.; Cedar Rapids, Iowa; Albert Lea, Minn.; and Omaha, Nebr.; to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania and Wisconsin; and (4) *feeders* from Hillsboro, Kans., to points in Illinois, Iowa, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states it holds contract carrier authority duplicating most of that sought herein. Due to the requirements of the order in MC 128922 Subs 1 and 2, applicant is surrendering his contract carrier authority, which is held under a partnership. It 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 Chicago, Ill., or Kansas City, Mo.

No. MC 135730, filed June 18, 1971. Applicant: JACKSYL TRANSPORTATION CORPORATION, 97 Freedman Avenue, Nanuet, NY 10954. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and skins, cut fur, fur scrap, hair scrap, wool scrap, and such commodities as are used in or incidental to the processing, manufacture, packing, and shipping of leather and leather products*, between New York, N.Y., commercial zone as defined by the Commission, Newark, N.J., and Hudson, N.Y., on the one hand, and, on the other, Danbury Norwalk, and Winsted, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135740, filed June 25, 1971. Applicant: D & H CONTRACT CARRIER, INC., 6020 Colfax, Lincoln, NE 68507. Applicant's representative: David R. Parker, 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: (1) *Ammunition, ammunition components, shooting goods, and accessories and component parts therefor, lead pellets, and reloading tools*, from Grand Island and Lincoln, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies* utilized in the manufacture, sale, and distribution of commodities specified in (1) above, on return, under contracts with Hornady Manufacturing Co., Pacific Tool Co., 3-D Co., Inc., Western Gun & Supply, and Frontier Cartridge Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

APPLICATION FOR WATER CARRIER

No. W-16 (Sub-No. 7) (S. C. LOVELAND CO., INC., Extension—Pacific Coast) (2), filed June 30, 1971. Applicant: S. C. LOVELAND CO., INC., 320 Walnut Street, Philadelphia, PA. Applicant's representative: Peter A. Greene, Commonwealth Building, 1625 K Street, NW., Washington, DC 20006. By application filed June 30, 1971, applicant seeks authority to operate as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels in the transportation of *nuclear generating systems and component parts thereof*, between Key West and Tampa, Fla., and New Orleans, La., on the one hand, and, on the other, ports and points along the Pacific Coast and tributary waterways in California, Oregon, and Washington.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 128486 (Sub-No. 3), filed June 17, 1971. Applicant: LILY TRANSPORT LINES, INC., 25 Denby Road, Allston, MA 02134. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream toppings, preserves, jellies, fruit juices, fruit drinks, flavoring syrups, and maple syrup* (except in bulk), from Woburn, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (2) *fruits and juices* (except in bulk), from Jersey City and Newark, N.J.; Middleport and Westfield, N.Y.; and North East, Pa.; to Woburn, Mass; (3) *glass bottles;* (a) from Danielson, Conn.; Bridgeton, Freehold, Jersey City, North Bergen, and Salem, N.J.; Elmira, N.Y.; Knox and Marienville, Pa.; and Coventry, R.I.; to Woburn, Mass.; (b) from Woburn, Mass., to Buckfield, Maine; and (c) from Wharton, N.J., to Lawrence and Woburn, Mass.; Buckfield, Maine; and Highland, N.Y.; (4) *tin cans;* (a) from Baltimore, Md., and Fairport, N.Y., to Woburn, Mass.; (b) from Edison Township, N.J., to Lawrence and Woburn, Mass.; Buckfield, Maine; and Highland N.Y.;

(5) *Apple juice and vinegar*, in bulk, in tank vehicles, from Highland, N.Y., and Buckfield, Maine, to Woburn, Mass. Restriction: The operations authorized above in (1), (2), (3), (4), and (5) are limited to a transportation service to be performed, under a continuing contract or contracts with Lincoln Foods, Inc., of Lawrence, Mass; (6) *canned and preserved foods*, from Lawrence and Woburn, Mass., to points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (7) *canned foods*, from Kennett Square, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Restriction: The operations authorized above in (6) and (7) are limited to a transportation service to be performed, under a continuing contract or contracts with S. S. Pierce Co. of Boston, Mass. NOTE: The purpose of this application is to add Woburn, Mass., as an additional origin and/or destination point in connection with applicant's present permits Nos. MC-128486, MC-128486 (Sub 1), and MC-128486 (Sub 2), as well as adding an additional shipper, S. S. Pierce Co., which is the parent corporation of Lincoln Foods, Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-10335 Filed 7-21-71;8:45 am]

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