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Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Apple Juice [1]

MISCELLANEOUS AMENDMENTS

On October 7, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15760) regarding a proposed revision of the U.S. Standards for Grades of Canned Apple Juice.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such service.

Statement of consideration leading to the revision. Interested persons were given until November 7 to study and comment on the proposed amendment of the grade standards for canned apple juice. The proposal would lower the acid requirements as follows:

In Grade A:

From a maximum of 0.70 to 0.55 g./100 ml. of juice;

From a minimum of 0.35 to 0.25 g./100 ml. of juice.

In Grade C:

From a maximum of 0.80 to 0.60 g./100 ml. of juice;

From a minimum of 0.30 to 0.20 g./100 ml. of juice.

The following comments, objections, and suggestions were received from members of the apple juice canning industry, apple associations, and certain members of Congress:

Objections to the entire proposal. Members of the California apple juice canning industry, along with individual apple growers, apple grower organizations, California Apple Advisory Board, and a Senator and Congressman from that State objected to any change in the acid requirements. Three members of the apple juice canning industry in Michigan also objected to any change. The reasons for the objections were:

(1) The public is accustomed to a high acid juice.

(2) Apple juice manufacturers in California use the Delicious variety (naturally low in acid) only to a limited extent for blending with other varieties.

(3) Apple juice consumption is rising dramatically which attests to need for retaining higher acid requirements than those proposed.

(4) Higher acid juices give a fuller, richer flavor.

(5) The proposal would permit high acid juices to be watered down.

Data acquired from inspection records of the Department representing the principal apple juice producing areas indicate a substantial quantity of low acid apple juice is produced in California as well as in other areas.

Acid and sweetness are not the only factors considered in the evaluation of flavor of apple juice. Consideration is also given to the presence or absence of the apple essences which contribute to the "fruity" flavor of the juice, an important requirement in Grade A flavor. When these essences are not noticeable, the juice is not considered as desirable as juice with a good "fruity" flavor.

Lowering the acidity requirements is neither an incentive nor justification for adulterating the product with water. In the current apple juice standard the paragraph dealing with "product description" requires that the product be prepared without dilution and without sweetening ingredients. Any addition of water and/or sweeteners would be contrary to the standard and not in accordance with recognized commercial practice in producing canned apple juice.

Objections to proposed maximum limits. Comments received from certain apple juice canners in Michigan suggest that the maximum limits for acid in Grades A and C not be changed. However, no objection was voiced to lowering the minimum levels. Comments from others in that State suggest the maximum limits should be set at 0.65 g./100ml. of juice in Grade A and 0.70 for Grade C. No exception was expressed to the proposed lower limits.

Still other apple juice canners in Pennsylvania and Virginia suggest that the maximum and minimum for acid should be set at 0.60 and 0.30, respectively, in Grade A, and 0.70 and 0.20, respectively, in Grade C. It was suggested that any lowering of the maximum acid levels below these suggested maximum levels would discriminate against apple juice produced in these States since certain varieties are naturally high in acid and produce an acceptable apple juice.

The International Apple Institute, Washington, D.C., has expressed support of the proposed lower limits for acid but suggest the maximum limits not be changed.

Supported entire proposal. Apple juice canners in the State of Washington as well as the Washington State Horticultural Association supported the proposed amendment in its entirety.

Other comments and suggestions. Comments from certain apple juice canners from the State of Washington suggest that the grade nomenclature for U.S. Grade C and U.S. Grade D be changed to U.S. Grade B and Substandard, respectively.

The reason given was this change would make these grade designations comparable to those in the recently revised canned applesauce grade standards.

On the basis of all the comments and suggestions received, as well as available data, the Department has concluded that it will be in the best interest of the apple juice canning industry as well as the consumers to adopt that portion of the proposed amendment to lower the minimum acid requirements. The maximum acid requirements remain unchanged.

The suggested change in grade nomenclature is also adopted. The minimum score points for Grades A and B are also adjusted to properly reflect the applicable grade designation. These changes will not alter the quality requirements in any way and will not require any adjustment in the method of manufacture of apple juice. This is also in line with the Department's attempt to make grade nomenclature as uniform as possible.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the U.S. Standards for Grades of Canned Apple Juice are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) as follows:

1. Section 52.303 is amended to read as follows:

§ 52.303 Grades of canned apple juice.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of canned apple juice that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apple juice that possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(c) "Substandard" is the quality of canned apple juice that fails to meet the requirements of U.S. Grade B.

2. Section 52.306 is amended to read as follows:

§ 52.306 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

3. Section 52.307 is amended to read as follows:

§ 52.307 Color.

(a) *(A) classification.* Canned apple juice that possesses a very good color may be given a score of 18 to 20 points. "Very good color" means that the color is bright and typical of freshly pressed juice and may vary from characteristic light non-amber shades to medium amber shades; that the canned apple juice of Style I, Clear, is sparkling clear and transparent; and that canned apple juice of Style II, Cloudy, may range from a slight translucent appearance to a definitely hazy appearance.

(b) *(B) classification.* If the canned apple juice possesses a good color, a score of 16 or 17 points may be given. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of canned apple juice, which color may be deep amber or other typical color but is not off color for the respective style.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

4. Section 52.308 is amended as follows:

§ 52.308 Absence of defects.

* * * * *

(a) *(A) classification.* Canned apple juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous nature; may possess not more than a trace of dark specks or of sediment or residue of a nonamorphous nature; and shall be free from particles of seed, coarse particles of pulp, or other defects.

(b) *(B) classification.* If the canned apple juice is fairly free from defects, a score of 16 or 17 points may be given. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous or nonamorphous nature, of dark specks, of particles of seed, of coarse particles of pulp, or of any other defects, provided such defects do not seriously affect the appearance or palatability of the product.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

5. Section 52.309 is amended to read as follows:

§ 52.309 Flavor.

The factor of flavor refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(a) *(A) classification.* Canned apple juice that possesses a very good flavor may be given a score of 54 to 60 points. "Very good flavor" means that the apple juice has a fine, distinct fruity flavor that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, ground or musty flavors, or any other undesirable flavor; and in addition shall meet the following requirements:

Brix. Not less than 11.5°.

Acid. Not less than 0.25 g. nor more than 0.70 g., calculated as malic acid, per 100 ml. of juice.

(b) *(B) classification.* Canned apple juice that possesses a good flavor may be given a score of 48 to 53 points. Canned apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the canned apple juice has a normal flavor which may be slightly astringent or slightly affected by overripe apples, caramelization, or ground or musty flavors, but is free from objectionable flavors or objectionable odors of any kind, and in addition meets the following requirements:

Brix. Not less than 10.5°.

Acid. Not less than 0.20 g. nor more than 0.80 g., calculated as malic acid, per 100 ml. of juice.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

5. Section 52.312 is amended to read as follows:

§ 52.312 Score sheet for canned apple juice.

Size and kind of container	
Container mark or identification	
Label	
Liquid measure (fluid ounces)	
Vacuum (in inches)	
Brix (degrees)	
Acid (malic: grams/100 ml.)	

Factors		Score points	
Color	20	(A)	18-20
		(B)	[1] 16-17
		(SStd.)	[1] 0-15
Absence of defects	20	(A)	18-20
		(B)	[1] 16-17
		(SStd.)	[1] 0-15
Flavor	60	(A)	54-60
		(B)	[1] 48-53
		(SStd.)	[1] 0-47
Total score	100		
Grade			

[1] Indicates limiting rule.

Effective date. These amendments shall become effective on July 1, 1971.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Dated: February 5, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-1922 Filed 2-10-71;8:47 am]

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

[Orange Reg. 67, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey 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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522),

the provisions of paragraph (a)(2) (v) and (vii) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *
(2) * * *

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period February 15, 1971, through September 12, 1971, Temple oranges may be shipped if they grade at least U.S. No. 1 Golden;

* * * * *

(vii) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That during the period February 8, 1971, through September 12, 1971, Murcott Honey oranges may be shipped if they grade at least U.S. No. 1 Golden; and

* * * * *

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

Dated: February 8, 1971.

F. L. SOUTHERLAND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–1953 Filed 2–10–71;8:50 am]

[Navel Orange Reg. 225]

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

Limitation of Handling

§ 907.525 Navel Orange Regulation 225.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handing of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

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

(i) District 1: 787,000 cartons;
(ii) District 2: 263,000 cartons;
(iii) District 3: Unlimited.

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

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

Dated: February 10, 1971.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–2033 Filed 2–10–71;12:27 pm]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

PART 205—REVOCATION OF APPROVAL OF PETITIONS

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Subparagraph (1) of paragraph (a) and paragraph (b) of § 204.5 are amended to read as follows:

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A Currently valid petition shall be regarded as approved for preference status under section 203(a)(4) of the Act as of the date the beneficiary marries, if that petition had been approved previously to classify the child of a U.S. citizen as an immediate relative under section 201(b) of the Act and the beneficiary is not a native of an independent country of the Western Hemisphere or the Canal Zone, or if that petition had been approved previously to classify the beneficiary as the unmarried son or daughter of a U.S. citizen under section 203(a)(1) of the Act.

* * * * *

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition, classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall, if the beneficiary is still unmarried and is not a native of an independent country of the Western Hemisphere or the Canal Zone, be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his 21st birthday.

* * * * *

Subparagraphs (4) and (5) of paragraph (a) of § 205.1 are amended to read as follows:

§ 205.1 Automatic revocation.

* * * * *

(a) *Relative petitions.* * * *

(4) Upon a child beneficiary reaching the age of 21, when he has been accorded immediate relative status under section 201(b); however, except for a native of an independent country of the Western Hemisphere or the Canal Zone, such petition is valid to accord status under section 203(a)(1) of the Act if the beneficiary remains unmarried or if he marries, such petition is valid to accord status under section 203(a)(4) of the Act for the duration of the relationship.

(5) Upon the marriage of a beneficiary accorded status as the child of a U.S. citizen under section 201(b) of the Act or status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act; however, except for a native of an independent country of the Western Hemisphere or the Canal Zone who had been accorded status under section 201(b), the petition is valid to accord status under section 203(a)(4) of the Act for the duration of the relationship.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2–11–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the rules prescribed by the order are clarifying in nature.

Dated: February 5, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71–1924 Filed 2–10–71;8:47 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Tender Offers and Other Stock Acquisitions

1. Effective immediately, § 206.4(g)(2) is amended as set forth below:

§ 206.4 Registration statements and reports.

* * * * *

(g) *Current reports.* * * *

(2) (i) Any person who, after acquiring, directly or indirectly, the beneficial ownership of any equity security of a member State bank, of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Board a statement containing the information required by Form F–11. Eight copies of the statement shall be filed with the Board.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (i) of this subparagraph if the following conditions are met: (*a*) The acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securities of the class to which the preemptive subscription rights pertain; (*b*) the purchaser does not, through the exercise of such preemptive subscription rights, acquire more than his or its pro rata share of the securities offered; and (*c*) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of § 206.6 promulgated thereunder.

* * * * *

2. Effective immediately, § 206.5(l) is amended as set forth below:

§ 206.5 Proxy statements and other solicitations under section 14 of the Act.

* * * * *

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a member State bank if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Board a statement containing the information and exhibits required by Form F–11.

* * * * *

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Eight copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Board.

* * * * *

3a. The foregoing amendments implement the provisions of Public Law 91–567, which became effective December 22, 1970, as they apply to member State banks.

b. The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date were not followed in connection with these amendments because the Board finds it necessary in the public interest and for the protection of investors that regulations implementing Public Law 91–567 be adopted effective immediately and that such procedures, with respect to these amendments, would serve no useful purpose inasmuch as the amendments primarily implement statutory provisions without significant exercise of administrative discretion or interpretation and are otherwise of a procedural nature.

By order of the Board of Governors, February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1921 Filed 2-10-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10405; Amdt. 23-10]

PART 23—AIRWORTHINESS STANDARDS: UTILITY AND ACROBATIC CATEGORY AIRPLANES

Airworthiness Standards

The purpose of these amendments is to limit the applicability of Part 23 of the Federal Aviation Regulations to small airplanes which have a passenger seating configuration, excluding pilot seats, of nine seats or less.

These amendments are based on a notice of proposed rule making (Notice 70–25) published in the FEDERAL REGISTER on July 7, 1970 (35 F.R. 10911). Except as modified by the following discussion, the reasons for the amendments are those in the notice. Changes from the notice and the disposition of comments on the notice are set forth below.

A number of the commentators objected to the proposal because they considered it to be beyond the planned third step of the three-step program previously announced by the FAA to upgrade the level of airworthiness of small airplanes intended for operations under Part 135. However, as explained in Notice 70–25, based upon the comments received in response to Notice 68–37, and after further consideration, it was determined that rather than adding additional airworthiness requirements to Part 23, it would be more appropriate to limit the applicability to small airplanes that are certificated with not more than nine passenger seats, excluding pilot seats. At the time that the 12,500 pounds weight limitation on small airplanes was established in 1953, civil airplanes were well below or well above that weight. In recent years, it has become apparent that the significance of that weight limitation as a line of demarcation between Parts 23 and 25 has changed. Many small airplanes with weights of, or close to, 12,500 pounds have been produced by manufacturers for private, executive, and air taxi use. Some of these airplanes have turbine engines and must carry large fuel loads to achieve a practical range at high speeds and altitudes. They make extensive use of modern communication and navigation equipment, and of complex aircraft systems. More important, however, is the sudden trend toward an increase in the number and types of small airplanes designed to carry relatively large numbers of passengers. The FAA considers that continued applicability of Part 23 to to small airplanes designed to carry 10 or more passengers is no longer in the interest of safety. Future generations of these small airplanes should adhere to the level of safety afforded by the requirements of Part 25 irrespective of whether operations are conducted under Part 135 or Part 91.

Comments were received expressing concern over the effect that the Civil Aeronautics Board's (CAB) pending decision on its investigation of air taxi weight limitations under Part 289 of the Board's economic regulations would have on the proposed amendments to Part 23, and suggested deferring action on Notice 70–25 until after the CAB reached a decision. The FAA does not agree that the CAB's pending investigation of air taxi weight limitations justifies deferring the adoption of this amendment. The issues involved in the CAB's investigation are concerned with large airplanes (airplanes with maximum takeoff weights of more than 12,500 pounds). Such airplanes would not be affected by any action on Notice 70–25

since, under the present rules, all large airplanes have to be certificated under Part 25.

Several comments objected to the proposal on the basis that the cost of certificating small airplanes under Part 25 would be prohibitive. One commentator indicated that design studies showed the costs to be prohibitive while another commentator stated that the major certification cost is in substantiating compliance with Part 25 rather than in designing to these standards. However, the commentators did not furnish information or data to support their objections and the FAA does not believe that the cost of certificating small airplanes under Part 25 would be prohibitive. In any event, the recent rapid increase in the number of small airplanes carrying 10 or more passengers emphasizes the need for a single level of airworthiness for airplanes carrying 10 or more passengers.

In response to several comments, the title of proposed § 23.1583(l) has been changed to read "Maximum passenger seating configuration" in order to make it clear that the operating limitation on passenger seats is intended to implement the change to the applicability provisions of § 23.1. In establishing the seating capacity as a limitation it was not intended to include the pilot's seat and, in the case of airplanes having dual flight controls, the second pilot's seat. Furthermore, it was not intended to prevent the present practice of two small children "doubling up" on a seat or an adult holding an infant.

In Notice 70–25 the FAA stated that it was not aware of any requirements in Part 25 that could not or should not be applied to small airplanes having a passenger seating configuration of 10 or more seats, and solicited comments concerning any requirements of Part 25 that are considered inappropriate for these small airplanes. A number of comments were received concerning this question and the FAA's disposition of these comments follows.

One comment suggested that the definition of stalling speed in Part 25 is inappropriate for any type of aircraft and especially for "light aircraft". The FAA does not agree. It appears that the commentator is concerned that the stalling speed determined under the provisions of Part 25; namely, that the airplane is considered stalled at an angle of attack measurably greater than that for maximum lift, is less conservative than the stalling speed determined under Part 23 which states that a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane. It should be noted, however, that the flight requirements, including the stalling speeds, of Parts 23 and 25 are appropriate for the type certification of an airplane under the respective parts. To this end, the flight requirements of Part 25 are more refined and incorporate considerably more margin, accountability, and failure considerations than those of Part 23. Incorporating the stalling speed requirements of Part 23 into Part 25 for application to small airplanes is not appropriate in view of the differences in the related requirements of those parts.

Another comment recommended that § 23.629(b) be incorporated into § 25.629 to permit, for small airplanes, the applicant to show freedom from flutter by appropriate flight tests. The recommended change is not necessary because the general provision of § 25.629(a) permits flight tests as a means of showing freedom from flutter.

One comment suggested that § 25.671 (c)(1) be amended, for small airplanes, to exclude from consideration the failure of mechanical elements and structural failure of hydraulic components of the control system. The commentator contends that there is no need to require fail-safe design for the control system because the high reliability of mechanical elements has been proven by known aircraft in service. The commentator, however, did not submit any data in support of his contention, and the FAA considers that the requirements of § 25.671(c)(1) are appropriate for small airplanes.

Comments were received recommending changes to § 25.807 to permit the use of exits of the size of Type IV exists on small airplanes. The FAA in Notice 69–33 proposed amendments to § 25.807 and these comments will be considered in connection with that notice.

One comment recommended that § 25.815 be amended to allow, for small airplanes, a minimum passenger aisle width of nine inches, less than 25 inches from the floor, and 15 inches, more than 25 inches from the floor. While the FAA agrees with the commentator's position that emergency evacuation problems should be approached on a systems concept, the effectiveness of the system, however, is determined to a large extent by the individual components; namely, exit sizes, aisle width, exit markings, etc., which have been proven through experience to be critical in the system. Aisle width requirements were relaxed several years ago. The new width requirements established at that time have not been found to be overly burdensome or restrictive through service experience. Moreover, there is no evidence to justify a further reduction of aisle width for small airplanes.

One comment stated that the requirement of § 25.831(e) for separate environmental controls and supply systems for crew compartments is not necessary or practical for small airplanes. Section 25.831(e) is applicable only if the passenger and crew components can be separated. The requirement would not apply to most small airplanes since they are not usually designed for cabin separation. If the crew compartment can be separated from the passenger compartments, the requirement is necessary to assure that the temperature and quantity of ventilating air is adequate.

One comment stated that the burn rates and self-extinguishing requirements of § 25.853 for cabin interior materials are not necessary for small airplanes because they can be evacuated before the cabin becomes inhospitable. The requirements for materials with fire resistance properties are not related solely to the time required for evacuation. Rapid evacuation may not be possible or the fire might occur in-flight. The objective of the flammability standards is to reduce the growth and intensity of cabin fires, and the requirement is applicable to all Part 25 airplanes regardless of size.

Another comment recommended amending § 25.1195(a) to exclude certain compartments of reciprocating engines from the requirement for a fire extinguishing system on the basis that this system is not necessary in zones where the amount of flammable fluids can be controlled to a harmless quantity by the shutoff means. The FAA does not agree. Experience has shown that a hazardous quantity of engine oil can be released into an engine compartment as a result of failure of an engine cylinder. A means to extinguish a fire which can occur during such failure is essential for all airplanes type certificated under Part 25.

One comment contended that § 25.1305 (a)(1), which requires a fuel pressure warning means, should not be applied to small airplanes. The commentator contends that, since there are only a few flight controls in a small airplane, the pilot is capable of observing the pressure gauge as often as necessary for flight safety without depending on an additional warning means. The FAA does not agree. The fuel pressure warning means is important to the pilot of a turbine engine powered airplane because there is no requirement for a fuel pressure gauge for airplanes equipped with this engine type. Furthermore, experience has shown that the overall pilot workload during flight prevents the continuous surveillance of instruments, including the fuel pressure gauge of a reciprocating engine airplane. The fuel pressure warning means serves to alert the pilot of an impending engine power interruption or failure so that corrective action may be taken immediately.

Another comment contended that the requirement in § 25.1435(a)(3) for fluid quantity indicators in continuously operating systems should not apply to small airplanes, and that small airplanes need only be equipped with means to visually check the quantity of fluid in the hydraulic system. The commentator states that the hydraulic systems on small airplanes are quite simple, usually providing for landing gear and brakes which incorporate backup means for operation in an emergency, and that items such as flaps and spoilers are not essential for continued safe operation after the depletion of the hydraulic fluid supply and, therefore, the importance of fluid quantity indication is lessened. The FAA does not agree that fluid quantity indicators in a continuously operating system are not necessary if the hydraulic system is not complicated. Furthermore, the proposed change would permit the use of a sight gauge located at a point other than at a flight crew station. It is necessary that means be provided at a flight

crew station to indicate the quantity of fluid in each continuously operating system to alert the flight crew to an impending depletion of the hydraulic fluid in order that corrective action may be taken or the use of emergency systems planned.

Finally, § 23.807 is being amended to delete those requirements for emergency exits for airplanes with seating capacities greater than the maximum passenger seating configuration which will be permitted under this Amendment to Part 23.

In consideration of the foregoing, Part 23 of the Federal Aviation Regulations is amended as follows, effective March 13, 1971:

1. Paragraph (a) of § 23.1 is amended to read as follows:

§ 23.1 Applicability.

(a) This part prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for small airplanes in the normal, utility, and acrobatic categories that have a passenger seating configuration, excluding pilot seats, of nine seats or less.

* * * * *

2. Paragraph (a) of § 23.807 is amended to read as follows:

§ 23.807 Emergency exits.

(a) *Number and location.* Emergency exits must be located to allow escape without crowding in any probable crash attitude. The airplane must have at least the following emergency exits:

(1) For all airplanes, except airplanes with all engines mounted on the approximate centerline of the fuselage that have a seating capacity of five or less, at least one emergency exit on the opposite side of the cabin from the main door specified in § 23.783.

(2) [Reserved]

(3) If the pilot compartment is separated from the cabin by a door that is likely to block the pilot's escape in a minor crash, there must be an exit in the pilot's compartment. The number of exits required by subparagraph (1) of this paragraph must then be separately determined for the passenger compartment, using the seating capacity of that compartment.

* * * * *

3. A new § 23.1524 is added to read as follows:

§ 23.1524 Maximum passenger seating configuration.

The maximum passenger seating configuration must be established.

4. A new paragraph (l) is added to § 23.1583 to read as follows:

§ 23.1583 Operating limitations.

* * * * *

(l) *Maximum passenger seating configuration.* The maximum passenger seating configuration must be furnished.

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

Issued in Washington, D.C., on February 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1935 Filed 2-10-71;8:48 am]

[Airworthiness Docket No. 70-SW-77; Amdt. 39-1153]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 205A and 205A-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of forward cross tubes having 1,000 or more hours time in service within specified operational time limits on Bell Models 205A and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 205-706-050-1 was published in 35 F.R. 19791.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Only one comment was received. The manufacturer requested the complete identification of the float kit installation be made in the applicability statement of the adopted rule. The complete kit part number, 205-706-050-1, has now been included.

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

BELL. Applies to Bell Models 205A and 205A-1 helicopters equipped with the Float Kit Installation, Part No. 205-706-050-1.

Compliance required as indicated.

To prevent possible failure of the forward cross tube, Part No. 205-050-114-3 or -9, due to fatigue cracks, accomplish the following:

(a) Remove and replace forward cross tubes with 900 or more hours time in service on the effective date of this AD within the next 100 hours time in service.

(b) Remove and replace forward cross tubes with less than 900 hours time in service on the effective date of this AD, prior to accumulating 1,000 hours time in service.

(c) Remove and replace all subsequent replacement forward cross tubes prior to accumulating 1,000 hours time in service.

(d) Operators not having kept time in service records on individual cross tubes should use float kit hours time in service for the purpose of paragraphs (a), (b), and (c) above.

(Bell Helicopter Co. Service Bulletin No. 204B-5, 205A-3, Revision B dated Aug. 3, 1970, pertains to this subject.)

This amendment becomes effective March 16, 1971.

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

Issued in Fort Worth, Tex., on February 2, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-1932 Filed 2-10-71;8:48 am]

[Docket No. 10467; Amdts. 61-52; 63-13; 65-17; 143-4]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to (1) require certain additional information in an application for a lost or destroyed airman or ground instructor certificate; and (2) provide a 60-day limitation on a telegram from the FAA confirming that the lost certificate was issued.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 70-30) issued on July 23, 1970, and published in the FEDERAL REGISTER on July 31, 1970 (35 F.R. 12284). Due consideration has been given to all comments presented in response to that notice.

Five of the seven public comments received on the notice concurred in the proposals. Of the other two public comments, one opposed the proposals as an invasion of privacy because they require the inclusion of social security number in an application for replacement of a lost or destroyed certificate. However, as stated in the notice, it is considered that requiring the applicant to state, in addition to the items previously required, his permanent mailing address (including zip code), social security number (if any), and date and place of his birth, will reduce the number of instances in which a duplicate certificate is issued to a person who is not entitled to it. The remaining commentator, although not specifically opposing the proposals, sought assurance against any possible delays in the issuance of telegraphic confirmations.

One commentator concurring in the proposals suggested the use of a standard application form, with confirmation of identity thereon through an FAA office before application. This suggestion is beyond the scope of the notice, and in any event its net effect would be to impose an undue burden on the applicant for a duplicate certicate and to render the use of confirming telegrams unnecessary. Another commentator concurring in the proposals suggested that the request for telegraphic confirmation should also be an automatic request for a duplicate certificate. However, the relevant existing provisions already provide for this effect if the applicant chooses to use that method of application.

In consideration of the foregoing, and for the reasons stated in Notice 70-30, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended, effective April 12, 1971, as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

2. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 63.16 to read as follows:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

3. By amending paragraph (b)(1) and the second sentence in paragraph (d) of § 65.16 to read as follows:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(d) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

PART 143—GROUND INSTRUCTORS

4. By amending paragraph (b)(1) and the second sentence in paragraph (c) of § 143.8 to read as follows:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

* * * * *

(b) * * *

(1) Contain the name in which the certificate was issued, the permanent mailing address (including zip code), social security number (if any), and date and place of birth of the certificate holder, and any available information regarding the grade, number, and date of issue of the certificate, and the ratings on it; and

* * * * *

(c) * * * The telegram may be carried as a certificate for a period not to exceed 60 days pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. * * *

(Secs. 313(a), 601, 602, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422, 1427; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 5, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-1936 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-101]

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

Designation of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19794), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Bay Minette, Ala., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BAY MINETTE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

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

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1933 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-102]

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

Designation of Transition Area

On December 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19793), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Liberty, N.C., transition area.

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

Subsequent to publication of the notice, the final approach radial for VOR RWY-2 Instrument Approach Procedure was refined to the 358° radial. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 29, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LIBERTY, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

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

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc. 71-1934 Filed 2-10-71;8:48 am]

[Airspace Docket No. 70-SO-89]

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

Designation of Control Zone and Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71-1614 appearing on page 2480 in the issue for Friday, February 5, 1971, the eighth line, now reading "ville, NAS Cecil Field), and Mayport," should read, "ville, Fla. (Craig Municipal Airport)".

[Docket No. 10823, Amdt. 742]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and make a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (358 F.R. 5610).

SIAPs 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 SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs 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, DC 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 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; NDB (ADF)-1, Amdt. 3; Canceled.
Bridgeport, N.J.—Bridgeport Airport; ADF 1, Amdt. 5; Canceled.
Philadelphia, Pa.—International Airport; ADF 1, Amdt. 17; Canceled.
Atlantic City, N.J.—NAFEC/Atlantic City (Pomona) Airport; VOR Runway 4, Amdt. 8; Revised.
Atlantic City, N.J.—NAFEC/Atlantic City (Pomona) Airport; VOR Runway 31, Amdt. 8; Revised.
Elko, Nevada—Elko Municipal Airport; VOR 1, Amdt. 7; Canceled.
Willows, Calif.—Willows-Glenn County Airport; VOR 1, Amdt. 1; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective March 11, 1971.

Lovelock, Nevada—Derby Field; VOR (R-005), Amdt. 1; Canceled.

3. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; VOR/DME-1, original; Canceled.
Elko, Nev.—Elko Municipal Airport; VOR/DME No. 1, Amdt. 3; Canceled.

4. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective March 11, 1971.

Cold Bay, Alaska—Cold Bay Airport; LFR-A, Amdt. 3; Revised.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 4, 1971.

Ormond Beach, Fla.—Ormond Beach Municipal Airport; VOR Runway 8, Amdt. 3; Revised.

6. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective March 11, 1971.

Casper, Wyo.—Casper Air Terminal Airport; VOR Runway 21, Amdt. 11; Revised.
Cold Bay, Alaska—Cold Bay Airport; VOR Runway 14, Amdt. 6; Revised.
Elkins, W. Va.—Elkins-Randolph County Airport; VOR-A, Amdt. 5; Revised.
Elko, Nev.—Elko Municipal Airport; VOR-A, Original; Established.
Idaho Falls, Idaho—Fanning Field; VOR Runway 2, Amdt. 12; Canceled.
Idaho Falls, Idaho—Fanning Field; VOR Runway 3, Original; Established.
Idaho Falls, Idaho—Fanning Field; VOR Runway 20, Amdt. 8; Canceled.
Idaho Falls, Idaho—Fanning Field; VOR Runway 21, Original; Established.
Lovelock, Nev.—Derby Field; VOR-A, Original; Established.
Mansfield, Mass.—Mansfield Municipal Airport; VOR-A, Amdt. 6; Revised.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 10L, Original; Established.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 11L, Amdt. 3; Canceled.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 28R, Original; Established.
Modesto, Calif.—Modesto City-County Airport; VOR Runway 29R, Amdt. 5; Canceled.
Rock Hill, S.C.—Rock Hill Municipal Airport; VOR-A, Amdt. 2; Revised.
Willows, Calif.—Willows-Glenn County Airport; VOR Runway 34, Original; Established.
Arcata-Eureka, Calif.—Arcata Airport; VOR/DME A, Original; Established.
Casper, Wyo.—Casper Air Terminal Airport; VOR/DME Runway 21, Amdt. 1; Revised.
Cold Bay, Alaska—Cold Bay Airport; VORTAC-A, Amdt. 1; Revised.
Willows, Calif.—Willows-Glenn County Airport; VOR/DME Runway 34, Original; Established.

7. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective March 11, 1971.

Casper, Wyo.—Casper Air Terminal Airport; LOC (BC) Runway 25, Amdt. 10; Revised.
Cold Bay, Alaska—Cold Bay Airport; LOC/DME (BC) Runway 32, Original; Established.

8. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; NDB-A, Original; Established.
Casper, Wyo.—Casper Air Terminal Airport; NDB Runway 7, Amdt. 7; Revised.
Cold Bay, Alaska—Cold Bay Airport; NDB Runway 14, Amdt. 5; Revised.
Elkins, W. Va.—Elkins-Randolph County Airport; NDB-A, Original; Established.
Idaho Falls, Ida.—Fanning Field; NDB (ADF) Runway 20, Amdt. 6; Canceled.
Idaho Falls, Ida.—Fanning Field; NDB Runway 21, Original; Established.
Las Cruces, N. Mex.—Las Cruces Municipal Airport; NDB-A, Original; Established.
Saipan Island, Mariana Islands—Kobler Airport; NDB-A, Original; Established.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 11, 1971.

Arcata-Eureka, Calif.—Arcata Airport; ILS Runway 31, Amdt. 14; Revised.
Casper, Wyo.—Casper Air Terminal Airport; ILS Runway 7, Amdt. 16; Revised.
Cold Bay, Alas.—Cold Bay Airport; ILS Runway 14, Amdt. 8; Revised.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS/DME Runway 7, Original; Established.

10. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 11, 1971.

Fort Smith, Ark.—Fort Smith Municipal Airport; RNAV Runway 7, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; RNAV Runway 12, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; RNAV Runway 17L, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 12, Original; Established.
Tulsa, Okla.—Tulsa International Airport; RNAV Runway 30, Original; Established.

(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), 5 U.S.C. 552(a)(1))

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

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

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

[FR Doc.71-1824 Filed 2-10-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6336]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Approval of Investment Advisory Contracts and Other Matters Which Should Be Considered by Registrants in Connection With 1971 Annual Meetings

The Securities and Exchange Commission today called the attention of all registered investment companies and their counsel to certain changes made in the Investment Company Act of 1940 by the Investment Company Amendments Act of 1970, Public Law 91-547 (1970 Act), enacted December 14, 1970, which they should consider in connection with preparations for their 1971 annual meetings.

Definition of new term "interested person" and approval of investment advisory and underwriting contracts and of independent public accountants. Section 2(a)(3) of the 1970 Act inserts a new paragraph (19) in section 2(a) of the Investment Company Act which defines the new term "interested person."[1]

Other sections of the 1970 Act, effective December 14, 1971, will substitute this new term for the present term "affiliated person" in the following sections of the Investment Company Act:

(1) Section 10, relating to the composition of the board of directors of a registered investment company (amended by section 5 of the 1970 Act);

(2) Section 15, relating to the approval of advisory and underwriting contracts (amended by section 8(c) of the 1970 Act); and

(3) Section 32(a), relating to the selection of independent public accountants (amended by section 8(c) of the 1970 Act).

Although these amendments do not become effective until December 14, 1971, it may be necessary, unless certain steps are taken at the 1971 annual meetings, typically held in March and April, for registered investment companies to hold special shareholder's meetings to comply with the new requirements prior to December 14, 1971. The Commission believes that investment company managements should make all possible reasonable efforts to avoid the expense of special shareholder meetings in 1971 held solely to comply with the 1970 Act. Therefore, the boards of directors of registered companies and their counsel should consider ways most advantageous to their companies and their shareholders to accomplish the following objectives as part of their regular annual meetings:

(1) Section 10(a) of the Investment Company Act, on and after December 14, 1971, will prohibit a registered investment company from having a board of directors more than 60 percent of the members of which are persons who are interested persons of such registered company. Management of registered companies should determine whether the composition of their proposed slate of directors to be elected at their 1971 annual meetings will comply with section 10(a), as amended. If the slate will not comply, this fact should be disclosed in the proxy statement along with an explanation of how management proposes to effect compliance by December 14, 1971. The same considerations apply to sections 10(b) and 10(d) of the Investment Company Act, as amended.

(2) In addition to the requirements of sections 15(a) and 15(b) of the Investment Company Act, section 15(c) of that Act will, on and after December 14, 1971, make it unlawful for any registered investment company having a board of directors to perform, as well as enter into or renew, any contract whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract and any renewal thereof have been approved by the vote of a majority of directors who are not parties to the contract or interested persons of any such party ("disinterested directors"),[2] cast in person[3] at a meeting called for the purpose of voting on such approval.

If a registered investment company presently has a board of directors the composition of which complies with section 10 of the Investment Company Act, as amended, or if a board complying with amended section 10 is elected at the company's 1971 annual meeting, then the company may be able to obtain the requisite approval of the disinterested directors to comply with section 15(c) of the Act, as amended, without holding a special shareholders' meeting.

If, however, a company's board of directors, which does not comply with amended section 10, approves the terms of a new contract or a renewal at its 1971 annual meeting, the Commission will regard the requirements of section 15(c), as amended, as met with respect to approval of a renewal, as well as respect to approval of the terms of a new contract, provided that a majority of the disinterested directors of a board complying with amended section 10 approve the terms of the contract prior to December 14, 1971.[4] This might require that a special shareholders' meeting[5] be held to elect a board qualifying under section 10, as amended, prior to December 14, 1971.[6] As indicated above, the Commission believes managements of registered companies should make all reasonable efforts to avoid the necessity of holding such a meeting.

Section 15(c) of the Investment Company Act, as amended, also provides that it shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms

[1] Under section 2(a)(19) of the Investment Company Act, as amended, the new term "interested person" includes affiliated persons of an investment company, its investment adviser and principal underwriter, as well as members of the immediate family of such affiliated persons and persons who have beneficial interests or legal interests as fiduciaries in securities issued by the investment adviser, principal underwriter and their controlling persons. The term also includes any broker-dealer registered under the Securities Exchange Act of 1934, and any affiliated persons of any such broker-dealer, and legal counsel for an investment company, its investment adviser and principal underwriter and partners, and employees of such legal counsel. In addition, the definition includes any natural person whom the Commission by order shall have determined to be an interested person by reason of having or having had a material business or professional relationship with an investment company, or another investment company having the same investment adviser or principal underwriter, or certain of their affiliates.

[2] It should be noted that section 15(c) of the Investment Company Act, both before and after amended by the 1970 Act, must be read in conjunction with section 10 of the Act, as amended, so that the directors whose votes are necessary to approve an advisory or underwriting contract must be members of a board of directors the composition of which complies with section 10 of the Act, as amended.

[3] This is also a new requirement imposed by the 1970 Act which cannot be complied with by voting over the telephone, through the use of a closed-circuit television conference, by proxy or otherwise than by personal appearance.

[4] If the language of section 15(c), as amended, is taken literally, it might be read as requiring that any renewal of an investment advisory or underwriting contract at the 1971 annual meeting must be approved by a majority of the disinterested directors of a board complying with amended section 10.

[5] Of course, if the terms of an investment advisory contract considered by the board of directors in connection with section 15(c), as amended, vary from the terms approved at the 1971 annual meeting, shareholder approval will be necessary.

[6] Other means may be available to a registered investment company to comply with amended section 10 before December 14, 1971. For example, a director who is an interested person by reason of owning stock in a broker-dealer may sell or otherwise dispose of his stock.

of any investment advisory contract. This amendment is not applicable for any period prior to December 14, 1971. However, while the amendment clarifies the adviser's obligation to furnish such information, it merely codifies present law with respect to the directors' duties.[6a] Therefore, to the extent possible, the directors of all registered investment companies and investment advisers thereto should make every reasonable effort to comply with the amendment with respect to any advisory contract entered into or renewed during 1971 and which is to be performed for any period on and after December 14, 1971.

(3) Section 32(a) of the Investment Company Act, as amended, makes it unlawful on and after December 14, 1971, for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent accountant unless such accountant shall have been selected at a meeting held within 30 days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person,[7] of a majority of those members of the board of directors who are not interested persons of such registered company. The same considerations discussed above in connection with sections 15(c) and 10 of the Investment Company Act, as amended, are applicable to section 32(a), as amended.

There is an additional interpretive problem with respect to independent accountants. As indicated above, many registered investment companies may not have a board of directors complying with amended section 10 before their 1971 annual meetings or within 30 days before or after the beginning of their present fiscal years, and, therefore, may be unable to meet the requirements of amended section 32(a) with respect to financial statements filed on and after December 14, 1971. In such cases, the Commission will deem the requirements of amended section 32(a) as met with respect to financial statements filed on and after December 14, 1971, if a majority of the disinterested directors of a board complying with section 10, as amended, of such registered companies also approve the selection of an independent public accountant prior to December 14, 1971.

Advisory contracts providing for performance fees. In connection with the amendment to section 15(c) of the Investment Company Act relating to the approval of investment advisory contracts, registered investment companies and their counsel should also consider section 25 of the 1970 Act which amends section 205 of the Investment Advisers Act of 1940. This amendment, on and after December 14, 1971, will make it unlawful for a registered investment adviser[8] to a registered investment company to perform, as well as to enter into, extend or renew, any investment advisory contract if such contract provides for a performance fee (i.e., compensation on the basis of a share of capital gains or capital appreciation of the funds or any portion of the funds of the company). However, this amendment makes a limited exception for a performance fee contract which provides for compensation based on the asset value of the investment company averaged over a specified period and increasing and decreasing[9] proportionately with the investment performance of such company over a specified period in relation to the investment record of an appropriate index of securities prices[10] or such other measure of investment performance as the Commission by rule, regulation or order may specify.

In enacting this amendment to the Investment Advisers Act, the Congress determined that performance fee arrangements not meeting the requirements of this exception are unfair to investment companies and to their shareholders, but, in order to afford registered companies and their investment advisers a reasonable opportunity to make the adjustments necessary to comply with this amendment, Congress delayed the effective date until December 14, 1971. Therefore, the managements of registered investment companies and their advisers which have contracts providing performance fee arrangements which will be unlawful to perform on and after December 14, 1971, should in connection with their 1971 annual meetings consider changing the advisory contract to conform with the amendment as to the part of the contract to be performed before, as well as after, December 14, 1971.

However, the Commission will not raise any objection if a new advisory contract or a contract up for renewal, which does not presently meet the requirements of the amendment to section 205 of the Advisers Act, is revised to provide that the fee arrangement will change to so comply for any period on or after December 14, 1971.[11] Any proxy solicitation material should precisely describe the two methods of compensation, including the differences, and should explain the basis for management's decision to recommend that shareholders approve these two methods of compensation.

This is the first of a proposed series of releases on problems arising under the 1970 Act. The Commission expects to issue further releases dealing with other matters under the Act of interest and importance to registered investment companies, their counsel and other interested persons.

By the Commission, February 2, 1971.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1904 Filed 2-10-71;8:46 am]

[6a] Cf. Brown v. Bullock, 194 F. Supp. 207 (SDNY, 1961), aff'd., 294 F. 2d 415 (C.A. 2, 1961).

[7] See footnote 3, supra.

[8] Section 24 of the 1970 Act deletes the exemption formerly provided by section 203 (b) (2) of the Advisers Act for investment advisers whose only clients are registered investment companies. Therefore, effective Dec. 14, 1971, all investment advisers which theretofore had been relying upon this exemption will be required to register under the Advisers Act.

[9] The amendment to section 205 of the Advisers Act provides that the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance.

[10] The amendment to section 205 of the Advisers Act provides that an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise.

[11] Of course, if the Commission at some future date specifies some measure of investment performance other than an index of securities prices, further changes in such a contract will be required.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–3—PROCUREMENT BY NEGOTIATION

Subpart 4–3.51—Negotiated Research Agreements With Educational Institutions

DOCUMENTATION

The following miscellaneous amendments are made in the Agriculture Procurement Regulations:

Section 4–3.5106 is amended by adding paragraph (d) which reads:

§ 4–3.5106 Documenting the agreement.

* * * * *

(d) *Awards.* The date of the grant and accordingly the date of obligation of funds for research agreements under grant authorities shall be the date the agreement is signed by the authorized Departmental officer. See 7 AR 6 for requirements for documenting obligation of funds for research agreements under other than grant authority.

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

ELMER MOSTOW, *Director, Office of Plant and Operations.*

[FR Doc.71-1923 Filed 2-10-71;8:47 am]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES

Presiding Officers; Correction

The two parenthetical citations appearing in § 958.7 of the captioned rules of practice published in the daily issue

of January 23, 1971 (36 F.R. 1142) require correction in order to conform to current law. Accordingly, the first sentence of § 958.7 is amended to read as follows:

§ 958.7 Presiding officers.

The presiding officer at any hearing shall be a Hearing Examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. 3105) or the Judicial Officer (39 U.S.C. 204, as enacted by Public Law 91-375). * * *

(5 U.S.C. 301, 39 U.S.C. 501, 74 Stat. 580, 39 U.S.C. 204, 84 Stat. 721)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-1916 Filed 2-10-71;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS

Miscellaneous Amendments

Part 142 of Title 45 of the Code of Federal Regulations is amended to reflect (1) the amendments made by Public Laws 90-575 and 91-230, (2) a broadened definition of laboratory and other special equipment, and (3) the fact that language no longer appears in the appropriations acts for the Department of Health, Education, and Welfare prohibiting the purchase of equipment from a Communist country.

1. The title of Part 142 is revised to read as set forth above.

(Sec. 807, Public Law 91-230)

2. In the table of contents, Subpart G—The Humanities and The Arts is deleted.

(Sec. 807, Public Law 91-230)

3. Section 142.1 is revised to read as follows:

§ 142.1 Purpose of loan program.

The Federal Government makes loans available under the provisions of section 305 of the Act to eligible private nonprofit elementary secondary schools for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects as defined in § 142.2(a), and for minor remodeling of laboratory or other space used for such equipment.

(20 U.S.C. 445)

4. In § 142.2, paragraphs (a), (b), (c), (d), (e), (i), (j), (k)(1), and (q) are amended to read as follows:

§ 142.2 Definitions.

As used in this part:

(a) "Academic subjects" means the following elementary and secondary school subjects: the arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

(b) "Act" means the National Defense Education Act of 1958, 20 U.S.C. Ch. 17.

(c) "Application" means a request to borrow funds from the United States under section 305 of the Act, submitted to the Commissioner in such form as he may require.

(d) "Audiovisual library" means a facility for the collection, custody, cataloging, maintenance, and distribution of audiovisual materials for education in academic subjects in elementary or secondary schools, and controlled and operated by a school or a group of schools under a school system.

(e) "Commissioner" means the United States Commisioner of Education.

* * * * *

(i) "Laboratory and other special equipment" means (1) fixed or movable articles, which are particularly appropriate for use in providing education in academic subjects in an elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning, primarily in providing education in academic subjects in an elementary or secondary school; (3) "materials" as defined in paragraph (j) of this section and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the foregoing items when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in an elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects. (The term excludes such items as general-purpose furniture, radio or television broadcasting apparatus, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance and repair of materials in audiovisual libraries.)

(j) "Materials" means those items which with reasonable care and use may be expected to last for more than 1 year and are suitable for and are to be used in providing education in academic subjects in an elementary or secondary school. The term includes such items as tapes and discs; slides and transparencies; films and filmstrips; books, pamphlets, and periodicals; and other printed and published materials such as maps, globes, and charts. The term does not include such items as textbooks (as defined in paragraph (r) of this section) or chemicals and other supplies which are consumed in use.

(k) (1) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a laboratory or classroom for education in academic subjects which are needed to make effective use of equipment in providing education in such subjects. The term also includes minor alterations in a previously completed building which are needed to make effective use of the items referred to in subparagraphs (5) and (6) of paragraph (i) of this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

* * * * *

(q) "State" means a State of the Union, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

* * * * * *

(20 U.S.C. 403, 445)

5. In § 142.3, subparagraphs (8) and (9) of paragraph (b) are revised to read as follows:

§ 142.3 Application for loan.

* * * * * *

(b) * * *

(8) A certification that the equipment is to be used primarily for providing education in academic subjects, except that in the case of storage equipment it will be used solely for the care and protection of equipment, including materials for providing education in academic subjects, and a certification that the minor remodeling, if any, is to be performed to make more effective use of equipment in providing education in academic subjects;

(9) A description showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in academic subjects; and

* * * * * *

(20 U.S.C. 445)

6. In § 142.5, paragraph (a) is revised to read as follows:

§ 142.5 Action on approved application.

(a) *Execution of note.* After the Commissioner approves an application for a loan, he will so notify the applicant and will require the execution of a promissory note, which will include a schedule of payments of the principal, with interest accruing on the unpaid principal

of the loan to the dates of such payments. If the note is not executed by the last day of the fiscal year following the fiscal year in which the application was approved, the Commissioner may cancel the loan approval.

* * * * *

(20 U.S.C. 445)

7. In § 142.6, paragraphs (d), (f), and (g) are revised to read as follows, paragraph (h) is deleted, and a new paragraph (i) is added:

§ 142.6 Loan conditions.

* * * * *

(d) *Unused and unreported funds.* Loan funds that are not used by the last day of the fiscal year following the fiscal year in which the application was approved for the purposes set out in paragraph (c) of this section, and loan funds used but not reported as required in § 142.9, shall immediately become due and payable, with interest accrued thereon unless the Commissioner extends the period upon the written request of the applicant. This paragraph shall not apply if the total amount not used for the acquisition of equipment, or for the performance of minor remodeling, and not reported does not exceed two percent of the amount lent or $200, whichever is smaller.

* * * * *

(f) *Disposal or unauthorized use of equipment acquired.* If during the period of the loan the applicant disposes of equipment or uses it for a purpose not authorized under the loan conditions, the regulations, or the Act, the balance of the loan shall, at the option of the Commissioner, become immediately due and payable, with interest accrued thereon. Any such unauthorized use and any such disposal shall be reported to the Commissioner. Equipment acquired under an approved project for academic subjects may be used when available and suitable in providing education in other subjects, if there exists a critical need therefor in the judgment of the borrower. Equipment shall be deemed available only when it is not needed for the time being for use in academic subjects.

(g) *Time of acquisition.* Loan funds shall not be used for the acquisition of equipment, including minor remodeling, for which firm commitments have been made prior to the time when the application is received by the Commissioner in substantially approvable form.

(h) [Deleted]

(i) *Requirement with respect to minor remodeling.* In a case of a project involving minor remodeling, the application for a loan shall provide assurances that all laborers and mechanics employed by contractors or subcontractors on such minor remodeling will be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretations of the Fringe Benefits Provisions of the Davis-Bacon Act—published at 29 F.R. 13465); and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for minor remodeling as defined in said Executive order.

(20 U.S.C. 445, 1232b)

8. In § 142.7, paragraph (a) is amended to read as follows:

§ 142.7 Interest.

(a) *Determination of interest rate.* Loans will bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result obtained to the nearest one-eighth of 1 per centum.

* * * * *

(20 U.S.C. 445)

9. In § 142.9, paragraph (a) is amended to read as follows:

§ 142.9 Reports and records.

(a) *Reports.* Each applicant receiving a loan shall furnish a completion report upon completing the approved project, and shall furnish such progress or other reports as the Commissioner may from time to time require regarding the use of loan funds. The completion report shall be submitted by the last day of the fiscal year following the fiscal year in which the application was approved unless the Commissioner extends the period upon the written request of the applicant.

* * * * *

(20 U.S.C. 445)

§§ 142.20, 142.21 [Deleted]

10. Subpart G—The Humanities and the Arts is deleted.

(Sec. 807, Public Law 91-230)

In accordance with section 421(b) of the General Education Provisions Act (20 U.S.C. 1232(b)), these regulations shall become effective 30 days after they are published in the FEDERAL REGISTER.

(20 U.S.C. 445. Interpret or apply 20 U.S.C. 441-445, 581-588)

Dated: January 21, 1971.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: February 5, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.71-1927 Filed 2-10-71;8:48 am]

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

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Time Limitations for Federal Financial Participation in Medical Assistance Payments

Part 249 is amended by adding a new § 249.81 as set forth below to prescribe time limitations for Federal financial participation in medical assistance program payments under title XIX of the Social Security Act. This material is being transferred from the Handbook of Public Assistance Administration, Supplement D-5810, and includes a new provision for exception to the time limitations in certain retroactive adjustment cases.

This amendment shall be effective on date of publication in the FEDERAL REGISTER and shall apply to all claims in open audits. Notice of proposed rule making has been dispensed with, since the new provision is in the interest of State agencies administering the medical assistance program and the regulations are urgently needed to resolve pending audit problems. For these reasons notice and public procedure thereon are impracticable.

Section 249.81 reads as follows:

§ 249.81 Time limitations for Federal financial participation in medical assistance payments.

Vendor payments for medical care and services are eligible for Federal financial participation for the month in which they are paid, regardless of the eligibility status of the individual in the month of payment, provided:

(a) He was found eligible for medical assistance for the month during which the medical care and services were rendered, and was alive at the time the application was made;

(b) he received such medical care and services in or after the third month before the month in which he made application; and

(c) not more than 24 months have elapsed since the month of the latest services for which the particular payment is being made with respect to the individual, except that this time limitation does not apply with respect to retroactive adjustment payments where services are reimbursed on the same basis as under title XVIII.

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

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (2-11-71) and shall apply to all claims in open audits.

Dated: January 6, 1971.

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

Approved: February 5, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-1926 Filed 2-10-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3100]

OIL AND GAS LEASING

Exceptions to Automatic Terminations and Reinstatement of Terminated Leases

The purpose of this amendment is to implement the Act of May 12, 1970 (84 Stat. 206).

The Act modifies the automatic oil and gas lease termination provisions of section 31 of the Mineral Leasing Act, as amended (30 U.S.C. section 188), by providing (1) that the automatic termination provisions do not operate under certain circumstances, and (2) for the reinstatements of terminated leases under certain conditions.

It is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 3108.2–1 of Subpart 3108, Chapter II of Title 43 of the Code of Federal Regulations is amended to read as follows:

§ 3108.2–1 Automatic terminations and reinstatement.

(a) *Automatic terminations.* Except as provided in paragraph (b) of this section, any lease issued after July 29, 1954, or any lease which is extended after that date pursuant to § 3107.1 on which there is no well capable of producing oil or gas in paying quantities shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the appropriate Land Office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers only as provided for in Subpart 3112.

(b) *Exceptions.* If the rental payment due under a lease is paid on or before its anniversary date but either the amount of the payment has been or is hereafter deficient and the deficiency is nominal as defined in this section, or the amount of payment made was determined in accordance with the rental or acreage figure stated in the lease or stated in a bill or decision rendered by an authorized officer and such figure is found to be in error, such lease shall not have automatically terminated unless (1) a new lease had been issued prior to May 12, 1970, or (2) the lessee fails to pay the deficiency within the period prescribed in the Notice of Deficiency provided for in this section. A deficiency will be considered nominal if it is not more than $10 or five per centum (5%) of the total payment due, whichever is more.[1] The authorized officer will send a Notice of Deficiency to the lessee on a form approved by the Director. The notice will be sent by certified mail, return receipt requested, and will allow the lessee 15 days from the date of receipt to submit the full balance due to the appropriate office. If the payment called for in the notice is not paid within the time allowed, the lease will have terminated by operation of law as of its anniversary date.

(c) *Reinstatements.* (1) Except as hereinafter provided, the authorized officer may reinstate a terminated lease which has been or is hereafter terminated automatically by operation of law for failure to pay on or before the anniversary date the full amount of rental due, provided that (i) such rental was paid or tendered within 20 days thereafter, and (ii) it is shown to the satisfaction of the authorized officer that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, and (iii) a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the appropriate office within 15 days after receipt of Notice of Termination of Lease due to late payment of rental. The Notice of Termination will be sent by certified mail, return receipt requested.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a terminated lease be reinstated if (i) a valid oil and gas lease has been issued prior to the filing of petition for reinstatement affecting any of the lands covered by that terminated lease, or (ii) the Federal oil and gas interests in the lands have been withdrawn or disposed of, or have otherwise become unavailable for oil and gas leasing.

(d) *Extension of term of reinstated leases.* In any case where a reinstatement of a terminated lease is granted under this section and the authorized officer finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the authorized officer may, at his discretion, extend the term of such lease for such period as he believes will give the lessee such an opportunity. Such extensions shall be subject to the following conditions:

(1) No extension shall exceed a period equivalent to the time (i) beginning when the lessee knew or should have known of the termination, and (ii) ending on the date on which the authorized officer grants such petition.

(2) No extension shall exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination.

(3) When the reinstatement occurs after the expiration of the term or extension thereof, the lease may be extended from the date the authorized officer grants the petition.

(e) *Service of documents.* The rules governing filing and service of documents set out in § 1840.0–6(e) of this chapter shall apply to notices of deficiency and termination issued under the provisions of this section.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 4, 1971.

[FR Doc.71–1898 Filed 2–10–71;8:45 am]

[1] However, nothing in this subpart shall bar a secretarial officer or the Board of Land Appeals from recognizing as nominal a greater deficiency where equity or the rule of de minimis so warrants.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SO–8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Glasgow, Ky., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL

REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Glasgow transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54" N., long. 85°57'10" W.); within 3 miles each side of the 252° bearing from Glasgow RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile-radius area to 8.5 miles west of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Glasgow Municipal Airport. An NDB(ADF) RWY-7 Instrument Approach Procedure to this airport, utilizing the Glasgow (private) Nondirectional Radio Beacon, is currently in effect.

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

Issued in East Point, Ga., on February 3, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-1931 Filed 2-10-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[42 CFR Part 481]

CERTAIN AIR QUALITY CONTROL REGIONS IN OREGON AND WASHINGTON

Proposed Designation and Revision of Regions; Consultation With Appropriate State and Local Authorities

Notice is hereby given of a proposal to designate Intrastate Air Quality Control Regions in the State of Washington as set forth in the following new §§ 481.185–481.189 inclusive and in the State of Oregon as set forth in the following new §§ 481.219–481.221 inclusive all of which would be added to Part 481 of Title 42, Code of Federal Regulations. It is proposed to make such designations effective upon republication.

In addition to the proposal to designate the new Intrastate Air Quality Control Regions, it is proposed to revise the boundaries of the presently designated Portland Interstate Air Quality Control Region (Oregon-Washington) and also to rename the Region.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Acting Commissioner, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Washington and Oregon and appropriate local authorities, both within and without the proposed regions, who are affected by or interested in the proposed designations and revision are hereby given notice of opportunities to consult with representatives of the Administrator concerning the proposed designations and the proposed revision. Due to the interstate and intrastate nature of these proposals, two consultations will be held. One consultation will be held in Washington to discuss the proposed Washington intrastate air quality control regions and the proposed revision of the Portland Interstate Air Quality Control Region. Such consultation will take place at 1 p.m., February 18, 1971, in Room 5061, Arcade Plaza, 1321 Second Avenue, Seattle, WA 98101. Another consultation will be held in Oregon to discuss the proposed Oregon intrastate air quality control regions and the proposed revision of the Portland Interstate Air Quality Control Region. This consultation will take place at 1 p.m., February 19, 1971, in the U.S. Court of Appeals, Seventh Floor, U.S. Courthouse, 620 Southwest Main Street, Portland, OR.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultations. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in either or both consultations should notify the Chairman, Mr. Doyle J. Borchers, Air Pollution Control Office, Environmental Protection Agency, Room 17–82, 5600 Fishers Lane, Rockville, MD 20852.

In Part 481 the following new sections are proposed to be added to read as follows:

§ 481.185 North Central Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Chelan County. Okanogan County.
Douglas County.

§ 481.186 Northeast Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Ferry County. Stevens County.
Pend Oreille County.

§ 481.187 Northwest Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

Island County. Skagit County.
San Juan County. Whatcom County.

§ 481.188 Olympic Intrastate Air Quality Control Region.

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

In the State of Washington:

Clallam County. Mason County.
Grays Harbor County. Pacific County.
Jefferson County. Thurston County.

§ 481.189 South Central Washington Intrastate Air Quality Control Region.

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

In the State of Washington:

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

§ 481.219 Central Oregon Intrastate Air Quality Control Region.

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

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

In the State of Oregon:

Crook County.	Klamath County.
Deschutes County.	Lake County.
Hood River County.	Sherman County.
Jefferson County.	Wasco County.

§ 481.220 Eastern Oregon Intrastate Air Quality Control Region.

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

In the State of Oregon:

Baker County.	Morrow County.
Gilliam County.	Umatilla County.
Grant County.	Union County.
Harney County.	Wallowa County.
Malheur County.	Wheeler County.

§ 481.221 Southwest Oregon Intrastate Air Quality Control Region.

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

In the State of Oregon:

Coos County.	Jackson County.
Curry County.	Josephine County.
Douglas County.	

§ 481.51 [Amended]

The Portland Interstate Air Quality Control Region (Oregon-Washington) (§ 481.51) presently is designated as the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oregon:

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

In the State of Washington:

Clark County.	Cowlitz County.

It is now proposed to: (1) Add Klickitat, Lewis, Skamania, and Wahkiakum Counties, in the State of Washington, and Clatsop, Lincoln, and Tillamook Counties, in the State of Oregon, to the region; and (2) rename the region the Portland (Oregon)-Southwest Washington Interstate Air Quality Control Region.

This action is proposed under the authority of (sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604).

Dated: February 6, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-1951 Filed 2-10-71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS, ARIZONA

Redelegation of Authority To Issue Special Land Use Permits

Under the provision of Bureau Order No. 701, as amended, authority is hereby redelegated to the District Managers, Arizona, to issue Special Land Use Permits for lands outside established grazing and forest districts (B.O. 701, Part III, sec. 3.9(o)(3)).

JOE T. FALLINI,
State Director.

FEBRUARY 5, 1971.

[FR Doc.71-1915 Filed 2-10-71;8:47 am]

AREA MANAGERS, COEUR D'ALENE DISTRICT, IDAHO

Redelegation of Authority

In accordance with Bureau Order No. 701 of July 23, 1964 (F.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Area Managers of the Emerald Empire and Chief Joseph Areas of the Coeur d'Alene District, Idaho, are authorized to perform in their respective areas of responsibility, in accordance with existing policies and regulations of this Department and under the direct supervision of the District Manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended, together with any limitations specified below.

(1) Sec. 3.3(d)—Trespass: Determine liability and accept damages for trespass on the public land and dispose of resources in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $500.

(2) Sec. 3.7(a)(1): Licenses to graze or trail livestock.

(3) Sec. 3.7(a)(2): Permits or cooperative agreements to construct and/or maintain range improvements and determine the value of such improvements.

(4) Sec. 3.7(b): Grazing leases.

(5) Sec. 3.7(d): Soil and moisture conservation.

(6) Sec. 3.7(e): Controlled brush burning in accordance with plans and specifications approved by the State Director.

(7) Sec. 3.8(a): Disposition of forest products except that sales of timber in excess of 1 million feet board measure must be approved by the District Manager or his delegate prior to advertisement.

(8) Sec. 3.9(g): Material other than forest products not exceeding $100 in value.

(9) Sec. 3.9(m): Grant temporary rights-of-way over public land and acquired land pursuant to 43 CFR Subpart 2811.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213-1, Authority and Responsibility Guides.

This redelegation will become effective upon publication in the FEDERAL REGISTER (2-11-71).

RICHARD W. TINDALL,
District Manager.

Approved:

WILLIAM L. MATHEWS,
State Director.

[FR Doc.71-1899 Filed 2-10-71;8:45 am]

[BLM 054548]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land; Correction

FEBRUARY 4, 1971.

In F.R. Doc. 71-1148, filed January 27, 1971, appearing on pages 1361 and 1362 of the issue for Thursday, January 28, 1971, a correction should be made in the first paragraph. The name of the applicant agency should read: "The Forest Service, Department of Agriculture."

DORIS A. KOIVULA,
Manager.

FEBRUARY 4, 1971.

[FR Doc.71-1900 Filed 2-10-71;8:45 am]

[New Mexico 929, Amdt. 1]

NEW MEXICO

Notice of Classification of Public Lands for Multiple Use Management

FEBRUARY 4, 1971.

In F.R. Doc. 70-4898, appearing on page 6444 of the FEDERAL REGISTER of the issue for April 22, 1970, the following modification is hereby made:

In paragraph 4, the following words are hereby deleted, "and the mineral leasing."

HAROLD A. BERENDS,
Acting State Director.

[FR Doc.71-1901 Filed 2-10-71;8:45 am]

OUTER CONTINENTAL SHELF OFF EASTERN LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3300, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Ship Shoal Area, and Ship Shoal Area, South Addition, official leasing maps, and all other mapped areas to the east awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than March 29, 1971. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, LA 70002, and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70150. Envelopes should be marked, "Nominations of Leasing in the Outer Continental Shelf—Eastern Louisiana."

Official leasing maps in a set of 25 maps, and a cover sheet showing leasing blocks off Louisiana, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910. Whole blocks, or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

BOYD L. RASMUSSEN,
Director,
Bureau of Land Management.

Approved: February 5, 1971.

ROG MORTON,
Secretary of the Interior.

[FR Doc.71-1929 Filed 2-10-71;8:48 am]

Office of the Secretary

ADMINISTRATOR, SOUTHWESTERN POWER ADMINISTRATION

Adjustment of Salary

Pursuant to the provisions of Executive Order 11576 the salary of the Administrator, Southwestern Power Administration, is adjusted to $36,000 per annum effective on the first day of the first pay period which begins on or after January 1, 1971.

FRED J. RUSSELL,
Under Secretary of the Interior.

FEBRUARY 4, 1971.

[FR Doc.71-1913 Filed 2-10-71;8:46 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-504]

LELAND R. OSGOOD

Notice of Loan Application

FEBRUARY 4, 1971.

Leland R. Osgood, Vinalhaven, Maine 04863, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 32-foot length overall wood vessel to engage in the fishery for lobsters and shrimp.

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

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

[FR Doc.71-1914 Filed 2-10-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

STATEMENT OF ORGANIZATIONS, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Part 5, formerly Part 7 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, Jan. 25, 1969, as amended), is hereby further amended with regard to section 5-B, formerly 7-B, Organization and Functions, for the purpose of transferring the Division of Data Processing from the Office of the Assistant Administrator for Administration to the Office of the Assistant Administrator for Program Statistics and Data Systems. Therefore, section 5-B of the Statement is amended as follows:

1. Under the Office of the Assistant Administrator for Administration, strike out the heading "Division of Data Processing" and the paragraph that follows thereunder.

2. Under the Office of the Assistant Administrator for Program Statistics and Data Systems, add directly after the paragraph headed "Division of Forecasting and Trend Analysis" the following:

Division of Data Processing. Provides internal SRS planning, policy, direction, and technical services in the field of automatic data processing. Conducts studies to determine the method of application of data processing systems to existing SRS internal systems. Promotes utilization of data processing as a support for other management and program services. Provides data processing facilities for SRS (operations, contracts or arrangement with other HEW data processing installations). Monitors data processing utilization by all SRS activities.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2-11-71).

Dated: February 1, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration.

By RONALD BRAND,
Deputy Assistant Secretary for Management Systems.

[FR Doc.71-1928 Filed 2-10-71;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ASSISTANT ADMINISTRATOR FOR INTERNATIONAL AVIATION AFFAIRS AND GENERAL COUNSEL

Delegation and Revocation of Authority

Pursuant to the delegation of authority from the Secretary of Transportation to the Federal Aviation Administrator for administration of the Aviation War Risk Insurance Program (§ 1.47(b) of the Regulations of the Office of the Secretary of Transportation; 35 F.R. 4959), authority is hereby delegated to the Assistant Administrator for International Aviation Affairs to exercise the powers under Title XIII—War Risk Insurance, of the Federal Aviation Act of 1958, 49 U.S.C. 1531 et seq., except that the Administrator retains the authority to issue final rules and regulations under section 1307(a), 49 U.S.C. 1537(a).

The delegation of authority to the General Counsel issued February 6, 1968, and published in the FEDERAL REGISTER on March 1, 1968 (33 F.R. 3654), is hereby revoked.

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

J. H. SHAFFER,
Administrator.

[FR Doc.71-1930 Filed 2-10-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matter

The Long Island Lighting Co., 250 Old Country Road, Mineola, NY 11501, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 850 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

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 60 days after February 4, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of January 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[FR Doc.71-1543 Filed 2-3-71;8:49 am]

[Docket No. 50-376]

PUERTO RICO WATER RESOURCES AUTHORITY

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Puerto Rico Water Resources Authority, G.P.O. Box 4267, San Juan, PR 00936, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated November 28, 1970, for authorization to construct a pressurized water nuclear reactor, designated as the Aguirre Nuclear Station Unit 1, on the applicant's site in Barrio Aguirre, Salinas, PR.

The site is located on the southern coast of Puerto Rico along the shore of Bahia De Jobos, and is within the municipality of Salinas.

The proposed nuclear station will consist of a pressurized water nuclear reactor, which is designed for initial operation at approximately 1,785 thermal megawatts with a net electrical output of approximately 583 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such

views to the Commission within sixty (60) days after January 28, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 21st day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-1141 Filed 1-27-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-2-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority February 4, 1971.

By Order 71-1-93, dated January 19, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-1-93 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R-9 through R-11, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall not be made to implement the agreement prior to this date, and such tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1941 Filed 2-10-71;8:49 am]

[Docket No. 23076; Order 71-2-36]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of February 1971.

By tariff revision[1] filed January 11, 1971, and marked to become effective February 11, 1971, Overseas National Airways, Inc. (ONA), proposes a rule which would limit the carrier's liability for charter cargo to its actual value, but not in excess of 50 cents per pound or $50 per aircraft load, whichever is greater. No provision is made for a greater carrier liability, at the charterer's option, at an additional charge.

No complaints have been received by the Board.

ONA's tariff rules presently limit the carrier's liability to $500 per aircraft load, with greater carrier liability available to the shipper at the rate of 10 cents per $100 of declared value in excess of $500. A choice of rates and liability is considered essential to the validity of a carrier's limitations on its common carrier responsibilities. In these circumstances, the Board will not permit the proposal to become effective without investigation.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the proposed rule should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 25 on 13th Revised Page 5 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series), and rules, regulations, or practices affecting such 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 provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule No. 25 on 13th Revised Page 5 of Overseas National Airways, Inc.'s CAB No. 22 (Overseas National Airways Series) is suspended and its use deferred to and including May 11, 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 investigation instituted herein, assigned Docket 23076, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Overseas National Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-1942 Filed 2-10-71;8:49 am]

[1] Revision to Overseas National Airways, Inc., Tariff CAB No. 22.

[Docket No. 22374]

PIEDMONT AVIATION, INC.

Notice of Postponement of Prehearing Conference Regarding Deletion of Elizabeth City, N.C.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding now assigned to be held on February 5, 1971, is hereby postponed to February 11, 1971. The prehearing conference will be held in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 10 a.m., e.s.t.

Dated at Washington, D.C., February 4, 1971.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.71-1940 Filed 2-10-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19080-19085; FCC 71 R-44]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In the matter of application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at Bay Shore, N.Y., Docket No. 19080, File No. 750-M-P-89; application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at East Hampton, N.Y., Docket No. 19081, File No. 807-M-P-99; application of Niagara Communications, Inc., for a construction permit for a new public Class III-B coast station to be located at Providence, R.I., Docket No. 19082, File No. 876-M-L-109; application of Great Eastern Communications Co. for license modification to authorize an additional working frequency at its Groton, Conn., station, Docket No. 19083, File No. 856-M-ML-70; applications of Great Eastern Communications Co. for license modification to authorize an additional working frequency at its New Bedford, Mass., station, Docket No. 19084, File No. 857-M-ML-70; and application of Radio Telephone Answering Service, Inc., for a construction permit for a new public Class III-B coast station to be located at Richmond (Staten Island), N.Y., Docket No. 19085, File No. 744-M-L-40.

1. This proceeding involves the applications of Niagara Communications, Inc. (Niagara), for authorization to construct public coast class III-B stations at Bay Shore and East Hampton, N.Y., and Providence, R.I.; of Great Eastern Communications Co. (Great Eastern), for

modification of its existing station license to provide additional working frequencies for its New Bedford, Mass. (Station KJC737), and Groton, Conn. (Station KWB437), stations;[1] and of Radio Telephone Answering Service, Inc. for a new public coast class III–B station at Richmond (Staten Island), N.Y.[2] The applications were designated for hearing by memorandum opinion and order of the Commission (FCC 70–1023, 35 F.R. 18089, published November 25, 1970) on, inter alia, issues to determine the economic impact of the grant of Niagara's applications on Great Eastern's stations and to determine the need for all of the proposed facilities. Presently before the Review Board is a petition to enlarge issues,[3] filed December 10, 1970, by Great Eastern, requesting the addition of three issues inquiring into Niagara's qualifications. The requests will be treated seriatim.

Section 1.918(b) issue. 2. In support of its first requested issue, Great Eastern contends that Niagara has violated § 1.918(b) of the Commission's rules by failing to serve copies of amendments to its applications on petitioner, even though the applicant had actual notice of the filing of petitions to deny by the predecessor in interest to Great Eastern, Advanced Communications Co. Petitioner points to two letters sent by Niagara to the Safety and Special Radio Services Bureau on March 7, 1970, and April 28, 1970, respectively, in response to requests for additional information concerning Niagara's applications. The first letter, which Niagara describes as an amendment, informed the Commission that transmitters would be acquired from a different equipment supplier than the application had initially stated, and enclosed a letter from the Liberty National Bank and Trust Company of Buffalo as proof of a commitment by the bank to lend Niagara up to $30,000 for construction of its proposed stations. The second letter contained further information on the proposed $30,000 loan from the Liberty National Bank. Great Eastern argues that both letters constitute amendments to Niagara's application and that the applicant's consequent failure to comply with Commission rules demonstrates that it cannot be expected to exercise the diligence and responsibility required of a licensee.

3. In opposition, Niagara argues that the letters referred to were not amendments of its applications; that the Commission did not notify other interested parties of its request for information and it was, therefore, appropriate to simply respond to the Commission's letters; and that "copies of papers were served in accordance with the Commission rules." In reply, Great Eastern contends that "[i]t is clear folly to assume * * * that applicants make a practice of informing the Commission of proposed changes in their applications without desiring the Commission to consider these changes as amendments to those applications," and that Niagara's denial that its letters constituted amendments raises "grave questions" about Niagara's good faith and reliability. Petitioner further suggests that it might be appropriate to specify a general misrepresentation issue in light both of Niagara's statements when confronted with its failure to serve copies of the March 7 and April 28 letters, and other statements on which Great Eastern bases its request for a deception issue. (See paragraph 8, infra. Moreover, petitioner argues that whether or not it has been prejudiced by the failure of service is beside the point, since the Commission adopted its rules of service because it felt that it was desirable for "interested parties to be fully and immediately informed of all changes in pending applications" and Niagara has offered no justification for its failures.

4. Section 1.918(b) of the Commission's rules requires that "if a petition to deny (or to designate for hearing) has been filed" any amendment filed by an applicant "shall be served on the petitioner". The letters sent by Niagara in response to Commission inquiries unquestionably constitute amendments of the applicant's equipment and financial proposals and, thus, should have been served on petitioner. The applicant, in its opposition, does not specifically dispute the allegation that such service did not take place. However, the procedural failures here are not, in the Review Board's opinion, sufficiently serious to warrant the addition of a disqualifying issue. Cf. Martin Lake Broadcasting Company, 23 FCC 2d 199, 19 RR 2d 24 (1970). The letters were filed in response to Commission inquiries, they were not labeled amendments, and we therefore have no reason to doubt Niagara's explanation that it did not regard these letters as amendments.[4] As the Safety and Special Radio Services Bureau points out, in its comments, there is no indication that Great Eastern has been prejudiced in any substantial or material manner, and Niagara's failure to serve copies of the letters in question does not reveal a pattern of deliberate disregard or gross negligence in regard to Commission rules and procedures. Compare Marvin C. Hanz, 22 FCC 2d 147, 18 RR 2d 830 (1970). The request for an issue in this regard will therefore be denied.

Financial qualifications issue. 5. In support of its requested financial qualifications issue, petitioner generally contends that Niagara's most recent construction "costs estimates are unreasonable and its financial showing is incapable of supporting a realistic estimate." Specifically, Great Eastern argues that: (a) Although Niagara has amended its proposals, so that it now seeks 10 frequencies rather than six, it has not amended its cost estimates to reflect the undoubtedly higher construction costs; (b) the transmitters proposed by the applicant are not capable of the type of service proposed by Niagara and the proper transmitters will cost $15,000; (c) Niagara will need ten antennas with diplexors and transmission lines, for $20,000 more in costs; (d) assuming, arguendo, that the applicant has technicians in its Buffalo office skilled enough to install its equipment, it has not provided for the cost of their living expenses during the process of installation; (e) $20,000 will be needed to purchase and install terminal equipment for interconnection between the proposed radio facilities and the land line telephone companies; and (f) additional funds will be needed for the lease of lines between transmitter sites and control points, filing and bookkeeping costs, maintenance on equipment, rental costs for transmitter sites, etc. Petitioner contends that its "conservative estimates" add up to a figure beyond Niagara's financial capability "even if credence is given to the proposed $30,000 bank loan, of which $6,000 plus interest must be repaid in the first year after taking the loan." Moreover, Great Eastern points out that Niagara also has applications pending for facilities in four other cities and has just been granted a construction permit in an Initial Decision for a new station at Miami, Fla. (FCC 70D–51, released Nov. 30, 1970). Finally, petitioner alleges that Niagara plans to finance all of these facilities with the same $30,000 bank loan. The Bureau, in its comments, asserts that if the cost figures cited by Great Eastern are accurate, a substantial and material question of fact would exist concerning the financial ability of Niagara, and states that it has no objection to the addition of the requested financial issue.

6. In opposition, Niagara states that it "does not propose to try its case in opposition to a Petition to Enlarge and simply submits that its cost figures are totally in line and will be so demonstrated at the hearing." In reply, petitioner suggests that, in light of Niagara's failure to submit any data in opposition, the Review Board should specify, on its own motion, a thorough investigation into the reasonableness of the costs set forth in Niagara's application and "non-amendments". Great Eastern argues that this would not constitute a further enlargement of the issues, but that the already requested issue is sufficiently broad to encompass the investigation.

7. The request for a financial qualifications issue will be granted. Petitioner has raised substantial questions concerning the realism of Niagara's cost figures and its consequent ability to construct, and possibly to operate, its proposed station. Particularly serious questions are raised as to Niagara's failure to amend

[1] Great Eastern is also the licensee of Station KLU785 at Monroe (Bridgeport), Conn.

[2] New York Telephone Co., licensee of Station KEA693 at New York, N.Y., and of Station KLU786 at Riverhead, N.Y., is also a party to this proceeding.

[3] Also before the Review Board are: (a) Comments of the Safety and Special Radio Services Bureau, filed Dec. 18, 1970; (b) opposition of Niagara, filed Dec. 22, 1970; and (c) reply to opposition, filed Jan. 7, 1971, by Great Eastern.

[4] It should be noted in this regard that Niagara is represented by local Buffalo counsel, who may not be fully familiar with Commission procedures.

its cost estimates despite the fact that it now seeks 10 frequencies rather than the original six, and the fact that it appears to plan to finance its pending applications for facilities in four other cities and its newly granted station at Miami, Fla., with the same $30,000 bank loan involved in the instant proceeding. No enlightenment on these specific matters or, generally, on the great disparity between Niagara's cost figures and the petitioner's estimates is provided by the applicant's opposition. Therefore, the questions raised by Great Eastern will have to be the subject of an evidentiary inquiry under an appropriate issue to be added herein.

Deception issue. 8. In support of its final request, Great Eastern points to § 81.303 of the Commission's rules, which provides that no new public coast station will be authorized to serve an area served by an existing station unless "the applicant shall make an affirmative showing that the public interest, convenience and necessity would be served by such a grant, and among other things, that there is such a need for additional facilities in the area involved * * *." Petitioner then notes the statement in Niagara's East Hampton application that it will serve "many thousands of pleasure boaters, sport fishermen, commercial fishermen, and many transient crafts," and statements of a similar nature in its Bay Shore application.[5] Great Eastern contends that talk of "thousands" of boats in the "fairly short stretch of coastline and inland waterways" which Niagara seeks to serve is "speciously inflated", since in the past 40 years only 100,000 boatowners throughout the entire country have purchased and installed facilities giving them the capability of receiving public coast signals; and argues that the inflated figures were designed to mislead the Commission into finding compliance with § 81.303. Great Eastern maintains that Niagara's statements do not constitute mere "puffing", but raise serious questions concerning the applicant's reliability as a Commission licensee.

9. The requested deception issue will be denied. As the Bureau states, in its comments, petitioner essentially merely disagrees with Niagara as to the need for the proposed facilities. More important, petitioner's contention that the applicant's estimate as to how many boats it will serve is "grossly inflated" and constitutes an attempt to deceive the Commission, as noted, is not supported by a thorough reading of the applications involved. Great Eastern states that there are only 100,000 boat owners throughout the United States equipped to receive public coast station signals, but, even if this undocumented figure is accepted as accurate, it does not follow that the waters in the areas involved are not used by "thousands" of watercraft. At worst, Niagara's statements, as to the usage of the waters can be considered examples of the type of "puffing" which is endemic to the pleadings of parties attempting to make their case. Moreover, the question of the actual need for the proposed facilities will be determined by the Examiner under the existing issues, with the burden of proof on the applicant. In short, while the Board does not condone the type of "puffing" which may have been engaged in by Niagara, neither do we believe that such conduct necessarily constitutes an attempt to deceive the Commission, or that under the circumstances here it constitutes an adequate basis for the addition of a character issue.

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed December 10, 1970, by Great Eastern Communications Co., is granted to the extent indicated below, and is denied in all other respects; and

11. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether Niagara Communications, Inc., is financially qualified to construct and operate its proposed stations at Bay Shore, N.Y., East Hampton, N.Y., and Providence, R.I.; and

12. *It is further ordered,* That the burdens of proceeding and of proof under the issue added herein shall be upon Niagara Communications, Inc.

Adopted: February 4, 1971.

Released: February 8, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-1948 Filed 2-10-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. AR61-1, etc.]

AREA RATE PROCEEDING (PERMIAN BASIN SHOW CAUSE)

Notice of Further Interim Extension of Time

FEBRUARY 4, 1971.

A number of producers have filed motions requesting the Commission to reconsider the November 2, 1970, letter orders in which the Commission denied a previous motion filed by the producers on September 14, 1970, requesting, inter alia, that refunds be deferred pending formulation of a Commission policy on refunds. Movants request that a conference be convened concerning refunds in those proceedings and that the time within which to make refunds be extended. An interim extension of time to and including February 8, 1971, was granted by notice issued January 5, 1971.

In order to provide time for the Commission to consider the motions which have been filed herein, notice is hereby given that the time is further extended to and including June 17, 1971, within which refund reports shall be filed in the above-designated proceedings, pursuant to the November 2, 1970, letter orders.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1945 Filed 2-10-71;8:49 am]

[Projects Nos. 746, 2598]

CITY OF AUGUSTA AND GEORGIA POWER CO.

Notice of Application for Withdrawal of Order Issuing Major License and Accepting Surrender of Minor Part License

FEBRUARY 5, 1971.

Public notice is hereby given that a joint application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the city of Augusta, Ga., and Georgia Power Co. (correspondence to: I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302) for vacation of the Commission's order of December 22, 1969, accepting surrender of the minor part license for existing Project No. 746, known as the Augusta Canal Project, located on and adjacent to the Savannah River in and near the city of Augusta in Richmond and Columbia Counties, Ga., and Edgefield County, S.C., and authorizing redevelopment of the site under a joint license as Project No. 2598.

The vacation of the order of December 22, 1969, as proposed would accept surrender of the joint license in Project No. 2598 for redevelopment and reinstate the minor part license to the city of Augusta for its Project No. 746. The joint application states that the redevelopment authorized by the license for Project No. 2598 is no longer economically feasible.

The existing Augusta Canal Project, owned and operated by the city of Augusta, consists of: (1) A rubble masonry dam 14 feet high and about 1,700 feet long; (2) a reservoir of about 200 acres at full pool elevation of 156.3 feet; (3) a 170-foot long intake structure with 17 hand operated gates; (4) an inoperative 125-foot long intake and lock structure; (5) a hand operated lock; (6) a 26,000-foot long canal 150 feet wide and 11 feet deep with a gated spillway near the proposed powerhouse.

The proposed redevelopment would have added: (1) An outdoor powerhouse containing a 16,000 hp. turbine direct connected to a 12,000 kw. generator; (2) a substation with one 4.2/13.8 kv. transformer; and (3) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1971, file with the Federal Power Commission, Washington, D.C. 20426,

[5] The contention that Niagara states that it would serve "many thousands" does not accurately reflect the statements in Niagara's applications. Niagara's East Hampton application, inter alia, states that, "The East Hampton area and immediate waters are used by many thousands of pleasure boaters, sport fishermen, commercial fishermen and transient craft." Similarly, Niagara's Bay Shore application states that: "The Bay Shore area serves several ferries * * *. It also serves many thousands of transient craft that visit the Long Island area."

petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1947 Filed 2-10-71;8:49 am]

[Docket No. E-7578, etc.]

COMMONWEALTH EDISON CO. ET AL.

Order Suspending Proposed Revised Tariff Sheets, Providing for Hearing, Denying Motion for Rejection of Rate Filing, Consolidating Proceedings, Granting Intervention and Prescribing Procedures

JANUARY 28, 1971.

This order suspends the operation of tendered rate schedule changes, orders a public hearing to be held on the lawfulness of and denies a motion to reject those changes, consolidates proceedings for purposes of hearing and decision, permits intervention in this proceeding, and provides for a procedure under which certain issues may be tried in an initial phase of the hearings.

Commonwealth Edison Co. (Commonwealth), a public utility subject to the jurisdiction of this Commission, filed on November 3, 1970, as first revised sheets Nos. 1A, 2, and 12 and third revised sheet No. 1 to its FPC electric Tariff Rate 78,[1] changes in rates for sales and the terms and conditions under which service is provided to its six municipal customers.[2] The filings are proposed to become effective February 1, 1971.

Commonwealth's proposed changes in Tariff Rate 78 would (1) effect an increase in its demand and energy charges and delete the present $50 minimum demand charge (third revised sheet No. 1); (2) revise the terms and conditions dealing with its liability for interruptions in service (first revised sheet No. 2);[3] and (3) change the time base and method of calculation in its fuel adjustment clause (first revised sheet No. 12). First revised sheet No. 1A accommodates a change in the continuation of the text resulting from the proposed change in demand and energy charges.

It is anticipated that these changes would provide increased revenues of approximately $410,106 (9.95 percent) for the year ending January 1971 and $454,285 (9.27 percent) for the year ending January 1972.[4] Approximately 27 percent of this increase would be due to the change in the fuel adjustment clause.

According to data submitted by Commonwealth based on a study utilizing a test year beginning July 1, 1969, and ending June 30, 1970, under the proposed rates it would have earned a 5.85 percent rate of return based on the "annual system peak" demand responsibility method, or a 6.08 percent rate of return based on the "average monthly system peak" demand responsibility method.

Commonwealth contends, inter alia, that the changes proposed would provide a more adequate rate of return on its jurisdictional business and restore a more appropriate relationship between charges to its municipal and industrial customers; provide specific protection against liability in the interruption of service to prevent disruption of its system or systems with which it is interconnected; and conform the terms of the fuel adjustment clause in its Tariff Rate 78 to those now applicable in its intrastate tariff.

Notice of the filings was given by publication in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19719), stating that any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure.

The Commission received on January 5, 1971, a joint "Protest, Motion to Reject, and Petition to Intervene" from Commonwealth's six municipal customers (Petitioners). The petitioners, inter alia, (1) protest the tendered rate schedule changes as being unjust, unreasonable, and unduly discriminatory; (2) move that the filing be rejected as not being in accordance with the Commission's rules and as being violative of due process; (3) in the event the filing is not rejected, request suspension of the tendered changes for the full 5-month statutory period and scheduling of the matter for hearing; (4) assert that the proposed change relating to Commonwealth's liability for interruptions in service raises an issue of fundamental importance which might best be handled by this Commission in a general rulemaking proceeding, or which at least should be severed and made the subject of a full hearing during a 5-month suspension period and disposed of prior to the effective date of the tendered filing; and (5) request permission to intervene in these proceedings.

In support of their contention that the tendered change in Commonwealth's demand and energy charges involves a discriminatory differential between the rates charged Commonwealth's large industrial customers and those charged municipal systems under Tariff Rate 78, Petitioners cite a settlement agreement with Commonwealth executed September 24, 1968. In this connection we note that our files contain informal complaints filed by the cities of Geneva and Batavia, Ill., in Dockets Nos. IN-989 and IN-991 on August 9, and August 29, 1966, respectively, which are still pending. In light of the recent amendment to our rules of practice and procedure eliminating the distinction between formal and informal complaints (Order No. 359, 39 FPC 138), and the similarity between the issues concerning rate discrimination raised in the complaint proceedings and those raised herein, all three proceedings will be consolidated, as hereinafter provided.

In its answer to Petitioners' contentions, Commonwealth alleges that it has fully complied with the Commission's regulations and that no grounds to justify the suspension of its filing have been demonstrated or exist. No specific response is offered as to petitioners' request that the issue pertaining to the tendered rate change dealing with Commonwealth's liability for interruptions in service be severed for hearing and decision.

Examination of petitioners' joint petition and motion and Commonwealth's answer thereto indicates that certain issues raised therein should be determined on the basis an evidentiary hearing record. However, our examination of the data filed by Commonwealth in support of its proposed increased rates and charges indicates that suspension of those tendered changes for the full 5-month statutory period is not warranted. Accordingly, we shall suspend for 1 day the proposed changes as set forth in Commonwealth's third revised sheet No. 1 and first revised sheets Nos. 1A and 12 to its electric Tariff Rate 78 and

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[1] These revised sheets were filed to supersede Commonwealth's presently effective original sheets Nos. 1A, 2, and 12, and second revised sheet No. 1, respectively.

[2] The municipal customers are Batavia, Geneva, Naperville, Rock Falls, St. Charles, and Rochelle, Ill. Service to Rochelle is the subject of an initial service agreement filed by Commonwealth on Oct. 1, and supplemented Oct. 29, 1970.

[3] Specifically, this proposed change would be made by adding a phrase to the "Continuous Service" clause of the tariff, as indicated:

The Company shall not be responsible in damages for any failure to supply electricity, or for interruption, or reversal of the supply, if such failure, interruption, or reversal is without willful default or negligence on its part, "nor for interruptions, by underfrequency relays or otherwise, to preserve the integrity of the Company's system or interconnected systems."

[4] Because service to Rochelle, Ill., had not commenced at the time the subject filing was made, these figures do not reflect data with respect to that municipality.

direct that a public hearing be held on the lawfulness thereof. However, as to the changes relating to liability for interruptions in service as set forth in Commonwealth's first revised sheet No. 2, we will suspend that proposed change for the full 5-month period and provide a procedure which will allow for an expeditious hearing on that part of Commonwealth's filing.

Insofar as the joint petition requests rejection of these filings, it is without merit and will be denied. We find Commonwealth's filing to be in substantial compliance with our rules and regulations and would point out that petitioners retain the right to contest the propriety of any of the provisions in Commonwealth's proposed tariff sheets during the hearings in this proceeding.

The Commission further finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, and 309 thereof that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Commonwealth's FPC electric Tariff Rate 78, as proposed to be amended herein, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

(2) Good cause exists to consolidate the proceedings in Dockets Nos. E–7578, IN–989, and IN–991 for purposes of hearing and decision.

(3) It is necessary and appropriate for purposes of the Federal Power Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(4) Participation by the aforementioned petitioners for intervention in the proceeding in Docket No. E–7578 may be in the public interest.

(5) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Commonwealth's FPC electric Tariff Rate 78, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Commonwealth's first revised sheets Nos. 1A, 2 and 12 and third revised sheet No. 1 to its FPC electric Tariff Rate 78 are suspended and the use of such third revised sheet No. 1 and first revised sheets Nos. 1A and 12 is deferred until February 2, 1971, and the use of such first revised sheet No. 2 is deferred until July 1, 1971. On those dates, those filings shall take effect in the manner prescribed by the Federal Power Act, and Commonwealth, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those filings for all power sold and delivered thereunder.

(C) Pursuant to § 1.20(b) of the Commission's rules of practice and procedure, the proceedings in Dockets Nos. E–7578, IN–989, and IN–991 are consolidated for hearing and decision.

(D) Commonwealth shall file with the Commission and serve on all parties, on or before March 11, 1971, its case-in-chief in support of the subject rate changes, including testimony of witnesses and exhibits.

(E) At a prehearing conference to be held on March 23, 1971, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of the staff's and petitioners' evidence on such issues and service of Commonwealth's rebuttal testimony; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(F) The Chief Examiner or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings and shall prescribe relevant procedural matters not herein provided.

(G) Commonwealth shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on February 2, 1971, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of February 2, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate changes, and the revenues resulting therefrom as computed under the rates in effect immediately prior to February 2, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(H) Each of the aforementioned petitioners for intervention is hereby permitted to intervene in the proceeding in Docket No. E–7578 subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(I) Petitioners motion to reject Commonwealth's rate filing herein is denied; and the alternative motion to suspend the proposed tariff sheets for the full 5-month statutory period is also denied, except as herein provided with respect to the proposed change reflected in Commonwealth's first revised sheet No. 2 to electric Tariff Rate 78.

(J) Unless otherwise ordered by the Commission, Commonwealth shall not change the terms or provisions of the subject rate changes or of its presently effective tariff sheets until this proceeding has been terminated or until the period of suspension has expired.

(K) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 22, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–1530 Filed 2–10–71;8:45 am]

[Docket No. RP70–15]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Extension of Time

FEBRUARY 5, 1971.

On January 28, 1971, Natural Gas Pipeline Company of America filed a motion for an extension of time within which to comply with paragraph (B)(11) of the Commission's order issued December 9, 1969, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 1, 1971, within which to comply with paragraph (B)(11) of the Commission's order issued December 9, 1969, in the above-designated matter. Paragraph (B)(11) is amended accordingly.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–1946 Filed 2–10–71;8:49 am]

[Docket No. RI71–675]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 5, 1971.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the

Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-675..	Shell Oil Co.....	382	2	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kings Bayou Field, Cameron Parish, Southern Louisiana.	$4,860	1-7-71	3-20-71	[2] 3-21-71	[1] 20.0	21.5	

*The pressure base is 15.025 p.s.i.a.
[1] For gas well gas sales.
[2] Or, 1 day from the date of initial delivery, whichever is later.

Shell's proposed rate exceeds the applicable area increased rate ceiling set forth in the Commission's statement of general policy No. 61-1, as amended. Shortened suspension periods have been permitted for Southern Louisiana filings made after November 27, 1970, the deadline set for filings to which the special procedures prescribed in the order issued October 27, 1970, in Docket No. AR69-1 relating to the lifting of the southern Louisiana moratorium would apply. In view of the effective date proposed here, we believe a 1 day suspension period is adequate.

[FR Doc.71-1943 Filed 2-10-71;8:49 am]

[Docket Nos. RI67-44, RI67-402]

TEXACO, INC., ET AL.

Order Severing Respondents and Redesignating Proceedings

FEBRUARY 4, 1971.

Texaco, Inc., and the estate of W. G. Rogers and BeeKay Co., Docket No. RI67-44; Champlin Petroleum Co. (Operator) et al., and John H. Hill (Operator), et al., Docket No. RI67-402.

By order issued January 8, 1971, in Docket No. G-13324 et al., the Commission issued certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to John H. Hill (Operator) et al., in Docket No. CI71-188 authorizing him to continue in part the sale of natural gas heretofore authorized in Docket No. G-10202 which was previously made pursuant to Texaco, Inc., FPC Gas Rate Schedule No. 148 at a rate effective subject to refund in Docket No. RI67-44 and to A. W. Moursund in Docket No. CI71-189 authorizing him to continue the sale of natural gas from his own interests heretofore authorized in Docket No. CI69-1000 which was previously made pursuant to John H. Hill (Operator) et al., FPC Gas Rate Schedule No. 10 at a rate effective subject to refund in Docket No. RI67-402. The contracts comprising Texaco's FPC Gas Rate Schedule No. 148 and Hill's FPC Gas Rate Schedule No. 10 were also accepted for filing as Hill's FPC Gas Rate Schedule No. 14 and Moursund's FPC Gas Rate Schedule No. 1, respectively; and Hill and Moursund were made co-respondents in the proceedings pending in Dockets Nos. RI67-44 and RI67-402, respectively.

Hill and Moursund propose to continue the subject sales from the Mocane Field, Beaver County, Okla., at a rate of 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment. Inasmuch as this rate is less than the area ceiling rate established in Docket No. AR64-1 et al., in which proceeding Dockets Nos. RI67-44 and RI67-402 are consolidated, the sales may be continued without any refund obligation.

The Commission orders: John H. Hill (Operator) et al., and A. W. Moursund are severed as respondents in the proceedings pending in Dockets Nos. RI67-44 and RI67-402, respectively, and said proceedings are redesignated accordingly.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-1944 Filed 2-10-71;8:49 am]

FEDERAL RESERVE SYSTEM

CENTRAL AND STATE NATIONAL CORPORATION OF ALABAMA

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Central and State National Corp. of Alabama, Birmingham, Ala., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the shares of Central Bank and Trust Co., Birmingham, and State National Bank of Alabama, Decatur, both in Alabama.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the

probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal 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, February 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1918 Filed 2-10-71;8:47 am]

SOUTHWEST BANCSHARES, 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 Southwest Bancshares, Inc., which is a bank holding company located in Houston, Tex., for prior approval by the Board of Governors of the acquisition by applicant of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal 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 Dallas.

By order of the Board of Governors, February 5, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1919 Filed 2-10-71;8:47 am]

TENNESSEE NATIONAL BANCSHARES, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Tennessee National Bancshares, Inc., Maryville, Tenn., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn.

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 Tennessee National Bancshares, Inc., Maryville, Tenn., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Blount National Bank of Maryville, Maryville, Tenn., and more than 50 percent of the voting shares of Merchants & Farmers Bank, Greenback, Tenn.

This application represents an amended version of an earlier application, approved by the Board of Governors on March 19, 1970, whereby Tennessee National Bancshares, Inc., sought approval to become a bank holding company through the acquisition of the aforedescribed voting shares and in addition 80 percent or more of the voting shares of The First National Bank of Oneida, Oneida, Tenn.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the amendment of the application to the Comptroller of the Currency and the Tennessee Superintendent of Banks, and requested their views and recommendations. The Comptroller recommended, and the Superintendent offered no objection to, approval of the application.

The Board's order approving applicant's original proposal was published in the FEDERAL REGISTER on March 26, 1970 (35 F.R. 5137). Notice of receipt of the amendment of the application was published in the FEDERAL REGISTER on January 7, 1971 (36 F.R. 236), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Written advice of the amendment of the application was sent 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.

Upon consideration of the amended proposal, the Board finds that the amended application involves no significant changes, except for exclusion of all reference to The First National Bank of Oneida, Oneida, Tenn., that would alter the conclusion reached by the Board in its order and statement of March 19, 1970, approving applicant's original proposal.

It is hereby ordered, For the reasons set forth above and in the Board's statement of March 19, 1970, with respect to applicant's original proposal, that the application be and hereby is approved; *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 4, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1917 Filed 2-10-71;8:47 am]

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective February 8, 1971, in the List of OTC Margin Stocks, as of July 20, 1970, published in the FEDERAL REGISTER on July 24, 1970.

1. Deletions: (stocks now registered on national securities exchanges) CMI Investment Corp., $2.50 par common; Crocker National Corp., $10 par common; First National Bank of Boston, The, $12.50 par capital; Hawaiian Airlines, Inc., common; Hillhaven Inc., $0.16⅔ par common; Hospital Corporation of America, $1 par common; Indiana Gas Co., Inc., no par common; Public Service Company of New Hampshire, $5 par common; Tropicana Products, Inc., common; and Virginia Commonwealth Bankshares, $5 par common.

2. Changes: Liberty Equities Corp., $1 par common is changed to Smithfield Foods, Inc., $1 par common.

Board of Governors of the Federal Reserve System, acting by its Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13), February 8, 1971).

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-1920 Filed 2-10-71;8:47 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 5, 1971.

On January 29, 1971, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of cotton textile products in Category 62 (consisting of other knit or crocheted cotton clothing) produced or manufactured in Haiti. In that request the U.S. Government stated its view that exports in this category from Haiti should be restrained for the 12-month period beginning January 29, 1971, and extending through January 28, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 62 produced or manufactured in Haiti and exported from Haiti on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-1902 Filed 2-10-71;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

FEBRUARY 5, 1971.

On May 5, 1970, there was published in the FEDERAL REGISTER (35 F.R. 7094) a letter dated April 27, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the 12-month period beginning May 1, 1970. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, which provides that within the aggregate limit, the group limit on Group III and specific limits on categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Mexico and pursuant to the bilateral agreement referred to above, there is published below a letter of February 5, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adusting the level of restraint applicable to cotton textile products in Group III by increasing the amounts of cotton textile products in Categories 53 and 64 which may be entered or withdrawn from warehouse for consumption during the 12-month period which began on May 1, 1970.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

FEBRUARY 5, 1971.

DEAR MR. COMMISSIONER: On April 27, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, and exported to the United States on or after May 1, 1970, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of April 27, 1970, you are directed to permit, effective as soon as possible, and for the period extending through April 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of additional cotton textile products in the following categories, notwithstanding the fact that the overall level of restraint for Categories 28 through 64 established by the aforementioned directive of April 27, 1970, has been filled.

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico which provide in part that within the aggregate the group limit on Group III and specific limits on certain categories may be exceeded by not more than five (5) percent; and for administrative arrangements.

Category:		*Amount to be entered or withdrawn from warehouse*
53	dozen	1,406
64	pounds	13,841

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-1903 Filed 2-10-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-4967]

AMERICAN NATURAL GAS CO.

Notice of Proposed Amendment of Articles of Incorporation To Increase Authorized Shares of Common Stock and Solicitation of Proxies in Connection Therewith

FEBRUARY 4, 1971.

Notice is hereby given that American Natural Gas Co. (American Natural), 30 Rockefeller Plaza, Suite 4950, New York, NY 10020, a registered holding company, has filed a declaration 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 Rule 62 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.

American Natural proposes to submit to its stockholders at its annual meeting to be held April 28, 1971, a proposal to amend its certificate of incorporation to increase from 17 million to 19 million the aggregate number of authorized shares of common stock, par value $10 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used to provide the cash required for the common stock equity component of the capital requirements of the American Natural holding company system. The proposed amendment will require the affirmative vote of the holders of the majority of the 16,732,032 outstanding shares of common stock. American Natural intends to solicit proxies by mail, in person, or by telephone by not more than three of the officers.

It is stated that the fees and expenses of American Natural to be paid in connection with the proposed amendment will not exceed $2,000, including legal fees. It is further 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 February 26, 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 filed or as it may be 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] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1905 Filed 2-10-71;8:46 am]

[70-4971]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 4, 1971.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, AR 72203, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 6(b) of the Act and Rules 23, 24, and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

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 2001. The interest rate on the bonds (which will be a multiple of one-eighth 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 Grainger S. Greene, as successor trustees, as heretofore supplemented and as to be further supplemented by a 20th supplemental indenture to be dated as of March 1, 1971, and includes a prohibition until March 1, 1976, against refunding the issue with the proceeds of funds borrowed at lower interest cost. The net proceeds from the sale of the bonds are to be used by Arkansas for its current construction program (estimated for 1971 at $124,050,000) and for other corporate purposes, including the repayment of short-term bank loans and commercial paper indebtedness approximating $6 million.

The fees and expenses incident to the proposed issuance and sale of the bonds are estimated at $90,000, including auditors' fees of $5,500, and counsel fees of $38,500. Fees of counsel for the underwriters in the amount of $11,000, together with out-of-pocket expenses, are to be paid by the successful bidders.

The filing states 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. The filing further states that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, has also authorized the proposed transaction. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 26, 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 applicant-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 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] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1906 Filed 2-10-71;8:46 am]

[811-1104, 811-1105]

INTERNATIONAL AFRICAN AMERICAN CORP. AND INTERNATIONAL AFRICAN AMERICAN CORP. VOTING TRUST

Notice of Proposal To Terminate Registration

FEBRUARY 4, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order upon its own motion that International African American Corp. (Corporation) and International African American Corp. Voting Trust (Trust), c/o 52 Wall Street, New York, NY 10005, each registered under the Act as closed-end, nondiversified, management investment companies, have ceased to be investment companies.

Commission records disclose that Corporation, pursuant to a resolution for dissolution and liquidation adopted by its board of directors and approved by its shareholders, affected a dissolution under the laws of the State of Delaware and distributed its assets directly to its shareholders, including those beneficial shareholders who had deposited their shares with Trust. Trust, whose only investment was the stock of Corporation, surrendered to Corporation the certificate of capital stock it held and ceased engagement in any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 25, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his

interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Pacific at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71–1909 Filed 2–10–71;8:46 am]

[70–4970]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Commercial Paper and Notes to Banks and Exception From Competitive Bidding

FEBRUARY 4, 1971.

Notice is hereby given that Mississippi Power & Light Co. (Mississippi), Post Office Box 1640, Jackson, MS 39205, an electric utility subsidiary company of Middle South Utilities, Inc., 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), 6(b), and 7 of the Act and Rule 50 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.

Mississippi proposes to issue and sell short-term promissory notes (including commercial paper) in an aggregate principal amount not to exceed $24 million outstanding at any one time to banks and/or to a dealer in commercial paper. The type of each issue will be determined by market conditions so as to achieve the lowest cost of money. The funds to be derived from the issuance and sale of the bank notes and commercial paper will be used, together with other funds available to the company, for construction and for other corporate purposes. Mississippi's construction program contemplates gross expenditures of approximately $37 million during 1971 and $44 million during 1972. Mississippi intends to retire all of the proposed bank notes and commercial paper prior to February 28, 1973, from the net proceeds of the sale of first mortgage bonds and/or preferred stock and/or common stock. Such sale or sales of securities will be the subject of a future filing with the Commission.

The proposed bank notes will be in the form of unsecured promissory notes due not more than 9 months from the date of issue, bearing interest at the prime rate in effect at the lending bank at the date of issue or from time to time depending upon the requirements of the lender, and subject to prepayment, at the company's option, without premium or penalty. While no commitments have been made, it is expected that borrowings will be made from one or more of the following banks up to the maximum amounts listed:

Deposit Guaranty National Bank, Jackson, Miss	$2,500,000
First National Bank of Jackson, Miss	2,500,000
The Chase Manhattan Bank, N.A., New York, N.Y	5,000,000
Manufacturers Hanover Bank, New York, N.Y	5,000,000
Total	15,000,000

The proposed commercial paper will be in the form of unsecured promissory notes issued in denominations of not less than $50,000, maturing not in excess of 270 days, and sold by Mississippi directly to A. G. Becker & Co. (Becker) at the discount rate prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. Becker, as principal, will reoffer the commercial paper to not more than 200 institutional investors identified on a list (nonpublic) at a discount of one eighth of 1 percent per annum less than the prevailing discount rate to the company. No commission or fee will be payable to Becker in connection with the issuance and sale of the commercial paper, and the commercial paper will not be prepayable prior to maturity. The rate for commercial paper shall not exceed the commercial bank rate which Mississippi could obtain on the date of issue on notes to banks of equal principal amounts, except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper, if, in the judgment of the company, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

Mississippi asserts that the issue and sale of the commercial paper should be excepted from the competitive bidding requirements of Rule 50 because the commercial paper will have a maturity not in excess of 270 days, current rates for commercial paper for such prime borrowers as Mississippi are published daily in financial publications, and it is not practical to invite bids for commercial paper.

Mississippi's fees, commissions, and expenses to be incurred in connection with the proposed issue and sale of the bank notes and commercial paper are estimated to be less than $2,000. The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 24, 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 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] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71–1907 Filed 2–10–71;8:46 am]

[812–2888]

MUNICIPAL INVESTMENT TRUST FUNDS ET AL.

Notice of Filing of Application for Order Granting Confidential Treatment

FEBRUARY 4, 1971.

In the matter of Municipal Investment Trust Funds, Tax Exempt Income Funds, Michigan Tax Exempt Bond Funds (and Subsequent Funds), c/o Bache & Co., Inc., 36 Wall Street, New York, NY 10005, c/o Goodbody & Co., Inc., 55 Broad Street, New York, NY 10004, c/o Walston & Co., Inc., 77 Water Street, New York, NY 10005, c/o First of Michigan Corp., 2 Wall Street, New York, NY 10005.

Notice is hereby given that Municipal Investment Trust Funds, Tax Exempt Income Funds, and Michigan Tax Exempt Bond Fund (and Subsequent Funds) (Applicants), unit investment trusts registered under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 45(a) of the Act for an order of the Commission granting confidential treatment to the profit and loss statements of Bache & Co., Inc., Goodbody & Co., Inc., Walston & Co., Inc., First of Michigan Corp., and their Cosponsors, successors, and assigns (Sponsors), the Sponsors of the Municipal Investment Trust Funds, the Tax Exempt Income Funds, the Michigan Tax Exempt Bond Funds and Subsequent Bond Funds, submitted in connection with registration statements filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are set forth below.

Once the determination has been made by the Sponsors to offer a new Fund, the Sponsors prepare and file with the Commission registration statements under the Act and the Securities Act of 1933. A period of accumulation of the underlying municipal bonds follows. When the portfolio is completed, a closing is held where the municipal bonds are deposited with the trustee (United States Trust Company of New York) in exchange for a temporary certificate evidencing units of undivided interest in the deposited bonds. Applicants allege that at that point the Trust is in existence and the Sponsors cease to have significant power over the underlying portfolio. The units are then offered to the public. The Sponsors, acting as principals, normally maintain a secondary market for the units.

Applicants contemplate that the profit and loss statements of the Sponsors will be filed as a part of the registration statement of each new fund. The application requests confidential treatment for such statements and subsequent profit and loss statements which Applicants may be required to file with the Commission from time to time.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission * * * by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicants submit that public disclosure of the profit and loss statements is neither necessary nor appropriate in the public interest, or for the protection of investors. Investors in the Funds are not offered an opportunity to acquire any interest whatsoever in the Sponsors. Apart from the lead Sponsor's minimal obligation under the trust agreement to direct the disposition of municipal bonds which are, or are likely to be, defaulted upon by the Issuers thereof (which obligation may be performed by the current lead Sponsor), Applicants state that the Sponsors will function solely as underwriters of the Funds. Applicants also assert that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the underwriters from whom the units are purchased.

In addition, Applicants submit that to the extent the Sponsors' solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the Funds, the Sponsors' statements of financial condition, which are filed with the Commission and various stock exchanges, and which are readily available to the public, contain fully adequate information. Further, the prospectuses disclose the Sponsors' right to terminate secondary market activities in a particular Fund. Should the Sponsors exercise this right, for whatever reason, the unitholders would be fully protected by their right under the trust agreements to redeem their units upon presentation of such units properly endorsed to the trustee, and to receive the redemption value of the units computed on the underlying assets of the particular Fund.

In addition, Applicants state that the soundness of the investors' interest in the Funds is solely a function of the fiscal conditions of the issuing municipalities. Applicants thus represent that the financial operations of the Sponsors will in no way enhance or diminish the prospect for an orderly payment of the underlying bonds.

Notice is further given that any interested person may, not later than February 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the 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] ORVAL L. DUBOIS, *Secretary.*

[FR Doc.71-1908 Filed 2-10-71;8:46 am]

[812-2886]

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND MONY VARIABLE ACCOUNT A

Notice of Filing of Application for Temporary Order of Exemption

FEBRUARY 4, 1971.

Notice is hereby given that the Mutual Life Insurance Company of New York (MONY), a mutual life insurance company organized under the laws of the State of New York, and The MONY Variable Account A (Account A), 1740 Broadway, New York, NY 10019, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act) (herein collectively called Applicants) have filed an application pursuant to section 10(e) of the Act for an order suspending the operation of the provisions of section 10(b)(2) of the Act with respect to Applicants to the extent described below. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

MONY established Account A on July 31, 1968, pursuant to the provisions of section 227 of the New York Insurance Law for the purpose of providing an investment medium for certain variable annuity contracts to be issued by MONY and Account A.

Section 10(b)(2) provides, as here pertinent, that a registered investment company may not use as a principal underwriter of securities issued by it any company as to which a director of the investment company is an affiliated person, unless a majority of the board of directors of the investment company are persons who are not affiliated persons of such principal underwriter.

Section 10(e) provides among other things, for the automatic suspension of the operation of section 10(b)(2) for a period of 30 days where the provisions of the latter section cannot be met by reason of death, disqualification, or bona fide resignation of a director if the vacancy can be filled by action of the board of directors, and authorizes the Commission to suspend the operation of section 10(b)(2) for such longer period as it may prescribe as not inconsistent with the protection of investors.

Account A is managed by the Account A committee. Prior to December 18, 1970, the Account A Committee consisted of five members, two of whom were affiliated with MONY, which acts as the principal underwriter for Account A and three of whom were not so affiliated. On or about December 23, 1970, Account A received a letter of resignation dated December 18, 1970, from one of the three unaffiliated members. Applicants request pursuant to section 10(e) that the operation of section 10(b)(2) be suspended through February 25, 1971, so long as at least 50 percent of the members of the Account A Committee are not affiliated with MONY.

Applicants represent that efforts have been undertaken and are continuing to obtain a third unaffiliated member, but that it now appears that the vacancy will not be filled until a regular meeting of the Account A Committee scheduled for February 25, 1971. Applicants further represent that the granting of the application is consistent with the protection of investors and will avoid disruption of the normal functioning of Account A.

Notice is further given that any interested person may, not later than February 22, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1910 Filed 2–10–71;8:46 am]

[70–4906]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks and to Dealer in Commercial Paper

FEBRUARY 4, 1971.

Notice is hereby given that Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, MA 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder regarding the following proposed transactions.

By order dated September 15, 1970 (Holding Company Act Release No. 16930), the Commission authorized WMECO from time to time but not later than December 31, 1971, to issue and sell short-term notes (including commercial paper), in an aggregate principal amount outstanding at any one time of not more than $20,100,000. WMECO in another filing (Holding Company Act Release No. 16959) proposes to amend its bylaws to permit the issuance of short-term unsecured indebtedness in excess of the present 10 percent limitation thereon. This increase in the permitted amount of such indebtedness requires (1) Commission approval and (2) the favorable vote of the holders of a majority of the total number of shares of preferred stock of all series voting as one class.

WMECO now seeks authorization in this proceeding to increase the aggregate amount of short-term notes that may be outstanding from $20,100,000 to $40,500,000. In all other respects the transactions as heretofore authorized remain unchanged.

It is represented that no additional fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with this post-effective amendment to the declaration. It is further represented 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 February 24, 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 post-effective amendment to the 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 now 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 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] ORVAL L. DUBOIS,
Secretary.

[FR Doc.71–1911 Filed 2–10–71;8:46 am]

SMALL BUSINESS ADMINISTRATION

MIDLAND CAPITAL CORP.

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 CFR Part 107, 33 F.R. 326), a notice of filing of an application for transfer of control of Midland Capital Corp., License No. 02/02–0040, 110 William Street, New York, NY 10038, was published in the FEDERAL REGISTER on January 22, 1971 (36 F.R. 1075).

Interested persons were given until February 1, 1971, to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Midland Capital Corp.

A. H. SINGER,
Associate Administrator for Investment.

FEBRUARY 2, 1971.

[FR Doc.71–1912 Filed 2–10–71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 10]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 5, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 26739 (Sub-No. 66), filed January 12, 1971. Applicant: CROUCH BROS., INC., Highway 36 West, Post Office Box 1059, St. Joseph, MO 64502. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments* for, and *equipment* designed for use with the articles described in (1) above, and *parts* for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas, restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 28478 (Sub-No. 36), filed January 13, 1971. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, MI 48602. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Erie, Pa., and junction Interstate Highway 80 and U.S. Highway 422 at or near Youngstown, Ohio: From Erie over Interstate Highway 79 to junction Interstate Highway 80, thence westerly over Interstate Highway 80 to its junction with U.S. Highway 422 and return over the same route, as an alternate route for operating convenience only, in connection with its presently authorized route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 29886 (Sub-No. 269), filed January 14, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air pollution control equipment*, including but not limited to dust collecting machinery and parts thereof, and (2) *scrubbers and pneumatic conveying systems and related parts*, from Essex, Mass., to points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. Applicant states tacking possibilities at Essex, Mass., with its Sub-No. 208. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 40270 (Sub-No. 9), filed December 7, 1970. Applicant: CRABBS TRANSPORT, INC., Rural Route 2, Enid, OK 73701. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, (1) from Chickasha and Enid, Okla., to points in New Mexico; and (2) from Chickasha, Okla., to Amarillo and Hereford, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 42487 (Sub-No. 770), filed January 11, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, OR 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), serving the plantsite of J. R. Simplot Co., at or near Orchard, Idaho, as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Portland, Oreg.

No. MC 61396 (Sub-No. 225), filed January 14, 1971. Applicant: HERMAN BROS., INC., Box 189, 2501 North 11 Street, Omaha, NE 68101. Applicant's representative: D. G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Anhydrous ammonia and fertilizer solutions*, from plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 66900 (Sub-No. 37), filed January 18, 1971. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, VA 24486. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool*, from Norfolk, Va., to Glasgow, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 81), filed January 11, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts*, from Valley, Nebr., to points in Colorado and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 309), filed January 18, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1932 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's

representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pallet racks*, from Lodi, Calif., to points in Washington, Oregon, Nevada, Idaho, Montana, North Dakota, South Dakota, Colorado, Nebraska, Wyoming, and Utah. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 83539 (Sub-No. 310), filed January 18, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flotation units, classifiers, dupurators, pumps, antipollution systems, and parts and accessories therefor*, from Sacramento, Calif., to points in the United States (except Hawaii). 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 Francisco, Calif.

No. MC 96098 (Sub-No. 53), filed January 12, 1971. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 209, Rural Delivery No. 1, Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Milton, Pa., to points in Ohio, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, District of Columbia, under contract with American Foods, Division of American Home Products Corp. NOTE: Applicant states it holds authority for the same commodities from the same origin point to an area of 350 miles of Milton. The purpose of this application is to obtain full states in the 350 miles area. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 97275 (Sub-No. 24), filed January 15, 1971. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, VA 23224. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, dangerous explosives, household goods, commodities in bulk, and commodities requiring special equipment and those injurious or contaminating to other lading), between Fredericksburg and Winchester, Va., (1) from Fredericksburg over U.S. Highway 17 to and over U.S. Highway 50 to Winchester and (2) from the junction of Interstate Highway 495 and Virginia Highway 236 over Virginia Highway 236 to and over U.S. Highway 50 to Winchester, and return over the same routes, as an alternate route for operating convenience only, in connection with applicant's regular route authority, restricted against service at intermediate points between Fredericksburg and Winchester, Va., and intermediate points between junction Interstate Highway 495 with Virginia Highway 236 and Winchester, Va. NOTE: Applicant holds authority to serve the above terminal points over other routes in MC 97275. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 97974 (Sub-No. 8) (Amendment), filed November 13, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended this issue. Applicant: SUPERIOR TRUCKING SERVICE, INC., 100 East 29th Street, Chattanooga, TN 37410. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), as follows: *Routes presently held under certificates of registration to be converted to Certificates of Public Convenience and Necessity.* Route 1: Between Manchester and Chattanooga, Tenn., over U.S. Highway 41, serving the following points southbound: Manchester to Jasper (including Jasper) with closed doors for intermediate points between Jasper and Chattanooga; northbound: Closed doors from Chattanooga to Monteagle, serving all intermediate points between Monteagle and Manchester, Tenn. Route 2: (a) From Columbia, Tenn., over Tennessee Highway 50 and/or Tennessee Highway 50A to Lewisburg, Tenn.; thence over Tennessee Highway 11 to Farmington, Tenn., thence over Tennessee Highway 64 to Shelbyville, Tenn.; thence over U.S. Highway 41A and Tennessee Highway 16 to Tullahoma, Tenn.; thence over U.S. 41A and Tennessee Highway 16 to Winchester, Tenn.; thence over U.S. Highways 41A and 64 and Tennessee Highway 15 to Monteagle, Tenn.; thence over U.S. Highways 41 and 64 and Tennessee Highway 2 to Chattanooga, Tenn., and return over same route serving all intermediate points except closed doors between Monteagle, Tenn., and Chattanooga, Tenn.;

(b) from Shelbyville, Tenn., over Tennessee Highway 82 to junction Tennessee Highway 55; thence over Tennessee Highway 55 to junction Tennessee Highway 50, at or near Lynchburg, Tenn.; thence over Tennessee Highway 50 to Winchester, Tenn., and return over same routes serving all intermediate points. Routes 2(a) and 2(b) are limited and restricted so as not to authorize the transportation of property originating at Chattanooga, Tenn., destined to Nashville, Tenn., nor property originating at Nashville, Tenn., destined to Chattanooga, Tenn.; and further limited and restricted so as not to authorize the transportation of property originating at Lewisburg, Winchester, Shelbyville, Fayetteville, and Tullahoma, Tenn., destined to Nashville, Tenn., nor property originating at Nashville, Tenn., destined to Lewisburg, Fayetteville, Winchester, Shelbyville, and Tullahoma, Tenn., Huntland, Tenn., to be served as an off-route point in connection with Routes 2(a) and 2(b). Route 3: (a) Between Tullahoma and Manchester, Tenn., over Tennessee Highway 55, serving all intermediate points. (b) between Winchester and Pelham, Tenn., over Tennessee Highway 50, serving all intermediate points. (c) between Hillsboro (Coffee County) and a point 5 miles west of McMinnville over unnumbered county road and Tennessee Highway 108, serving all intermediate points. Route 4: Between Manchester and Smartt, Tenn., from Manchester over Tennessee Highway 55 to Smartt and return over same route serving all intermediate points. Route 5: (a) Between Manchester, Tenn., and Murfreesboro, Tenn., from Manchester over U.S. Highway 41 and Tennessee Highway 2 to Murfreesboro and return over the route serving all intermediate points. (b) between Shelbyville, Tenn., and Murfreesboro, Tenn., from Shelbyville over U.S. Highway 231 and Tennessee Highway 10 to Murfreesboro and return over the same route serving all intermediate points. Routes 5 (a) and 5(b) are restricted against the transportation of property originating at, destined to, or interlined at Nashville, Tenn., and points in its commercial zone.

Route 6—(New Interstate Route): Between Chattanooga, Tenn., and Kimball, Tenn., from Chattanooga over U.S. Interstate Highway No. 24 to Kimball, Tenn., and return over the same route, serving no intermediate points. NOTE: Applicant states that the principal purposes of this application are: (1) To use Interstate Highway No. I24 between Kimball, Tenn., and Chattanooga, Tenn., which highway passes through a portion of the State of Georgia resulting in transportation by this route being interstate. (Described herein above as Route 6). (2) To serve that portion of the commercial zone of Chattanooga, Tenn., that is in the State of Georgia. A further result would be to convert present certificates of Registration to Certificates of Public Convenience and Necessity. The only new points for service would be those in Georgia that are within the commercial zone of Chattanooga, Tenn., which would be those within 5 miles of the Georgia-Tennessee State line which defines the city limits of the city of Chattanooga. The application narrows somewhat the commodity descriptions in certificates of registration but the route descriptions retain all present restrictions. Applicant also states it has a certificate of registration pending in MC

97974 (Sub-No. 7). Applicant states it is willing to surrender its certificates of registration simultaneously with issuance of a certificate of public convenience and necessity for the requested authority. Applicant further states all of the above described routes will be tacked and joined together for through transportation and be joined at common points with its interstate certificate MC 97974 Sub 5. NOTE: The purpose of this republication is to include part 2(b) in route description and redescribe the territory sought in route No. (5). If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Knoxville, or Nashville, Tenn.

No. MC 100666 (Sub-No. 180), filed January 15, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials* (except commodities in bulk), from the plantsite and warehouse of the National Gypsum Co. near Rotan, Tex., to points in Arkansas, Louisiana, Mississippi, New Mexico, and Oklahoma. NOTE: Applicant states that though technically possible, no feasible tacking operations would exist. 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 Shreveport, La., or Fort Worth, Tex.

No. MC 100666 (Sub-No. 181), filed January 25, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, OK 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, and boiler tubes*, from points in Milwaukee County, Wis., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Oklahoma City, Okla.

No. MC 102567 (Sub-No. 140), filed January 25, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo. E. Shaw, 816 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid bromine*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 104004 (Sub-No. 183), filed December 31, 1970. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, likestock, 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 Indianapolis, Ind., and Champaign, Ill., over Interstate Highway 74, serving no intermediate points, as an operating convenience route for purposes of interchange with its wholly owned subsidiary, Scherer Freight Lines, Inc., only, restricted against the transportation of shipments originating at or destined to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105045 (Sub-No. 28), filed January 18, 1971. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks, II, 1020 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, silo loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems and related parts and accessories*, from Kankakee, Ill.; Elkhorn, Wis.; Eureka, Ill.; to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106398 (Sub-No. 522), filed January 18, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and buildings and sections of buildings and frames and undercarriages, from points in Lea County, N. Mex., to points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states application could be tacked with its Sub 341 at points in Lea County, N. Mex. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 106644 (Sub-No. 110), filed January 18, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: K. Edward Wolcott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, indicator posts, floor stands, service or valve boxes and parts and accessories thereto*, from Anniston, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 104724, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 106775 (Sub-No. 28), filed January 11, 1971. Applicant: ATLAS TRUCK LINE, INC., Post Office Box 9848, Houston, TX 77015. Applicant's representative: James W. Hightower, 136 Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.-Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would join its authority to transport earth drilling pipe at Lone Star, Tex., to perform a through service if that would be feasible. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 107295 (Sub-No. 481), filed January 15, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Picnic tables, barbecue pits and accessories and other playground equipment*, from Waco, Tex., 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 Dallas or Houston, Tex.

No. MC 107541 (Sub-No. 32) (Amendment), filed January 8, 1971, published in the FEDERAL REGISTER issued of February 4, 1971, and republished as amended,

this issue. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, OR 97222. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Urea*, from Cheyenne, Wyo., to points in Utah, Idaho, Oregon, and Washington; (b) *spent grain* (dried brewer's grain) from Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; (c) *brewers yeast*, from Denver and Golden, Colo., to points in Utah, Idaho, Oregon, and Washington; (d) *meat meal and blood meal*, from points in Colorado to points in Idaho, Utah, Oregon, and Washington; and (e) *dehydrated alfalfa pellets*, from Silt, Colo., to points in Idaho, Utah, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include paragraph (e) to the previous publication. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 108449 (Sub-No. 320), filed January 18, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53702, and W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, (1) from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, and (2) from Winona, Minn., to points in Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 109478 (Sub-No. 116) (Amendment), filed July 27, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, and republished as amended this issue. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, PA 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic jars, jugs, and enclosures, containers, and sheet liners*, from Nashua, N.H., and East Pepperell, Mass., to points in New York, except those in New York City, and points in the counties of Nashua, Suffolk, Westchester, Orange, and Rockland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 109637 (Sub-No. 376), filed January 15, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109891 (Sub-No. 20), filed January 20, 1971. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, SC 29405. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, from East Point, Ga., on the one hand, and, on the other, points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110563 (Sub-No. 56), filed January 22, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), (1) from points in Chester County, Pa., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Oklahoma, Nebraska, North Dakota, and South Dakota, (2) from Wilmington and Hockessin, Del., to points in Oklahoma, Kansas, Minnesota, Chicago, Ill., and Milwaukee, Wis., and (3) from Kelton, Pa., to points in Illinois (except Chicago, Peoria, and Waukegan) and points in Missouri (except St. Louis) and points in Wisconsin (except Milwaukee). 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 West Chester and Philadelphia, Pa., or Wilmington, Del.

No. MC 110817 (Sub-No. 15), filed January 11, 1971. Applicant: E. L. FARMER & COMPANY, a corporation, Post Office Box 3512, Odessa, TX 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it would join the commodities contained in its Sub 10 and 11 at Lone Star, Tex., to perform through service, where feasible, to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 111401 (Sub-No. 314), filed January 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, fom the storage facilities of Allied Chemical Corp. located at or near Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 112184 (Sub-No. 33), filed January 20, 1971. Applicant: THE MANFREDI MOTOR TRANSPORTATION COMPANY, a corporation, Route 87, Newburg, OH 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins, core compounds, formaldehyde, acetone, methanol, phenol, ethanol, and nitrogen fertilizer solutions* in bulk, in tank vehicles, between the plantsite of Georgia Pacific Corp., located in Franklin County, Ohio, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin, under contract with Georgia Pacific Corp. NOTE: Applicant holds common carrier authority under MC 128302 and subs thereunder, therefore, dual operations may be involved. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112822 (Sub-No. 182), filed January 15, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, from points in Kansas City, Kans.-Mo., commercial zone to points in Texas, south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to Post, Tex., and thence along U.S. Highway 84 to junction U.S. Highway 281 to Evant, Tex., and on and west of a line beginning at Evant and extending along U.S. Highway 281 to the United States-Mexico international boundary line at or near Hidalgo, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 113267 (Sub-No. 254), filed January 14, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, fresh fruits and vegetables*, from Galveston, Tex.; New Orleans, La.; and Charleston, S.C., to points in the United States (except Pensacola, Fla.; Montgomery, Ala.; Atlanta, Ga., and points in New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, Maine, Vermont, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 113459 (Sub-No. 62), filed January 11, 1971. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, OK 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield pipe as described in Mercer Ext.—Oil Field Commodities, 74 M.C.C. 459), from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack with its presently held authority at Lone Star, Tex., to perform a through service to transport earth drilling pipe to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Dallas, Tex.

No. MC 113646 (Sub-No. 9), filed January 15, 1971. Applicant: JEFFERSON TRUCKING COMPANY, a corporation, Box 17, National City, MI 48748. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, building materials, and materials, supplies and equipment*, used in the manufacture and distribution of such commodities, restricted against the transportation of commodities in bulk, between the plantsite and warehouse of the National Gypsum Co. near Shoals, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and South Carolina, under contract with National Gypsum Co. of Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Buffalo, N.Y., or Detroit or Lansing, Mich.

No. MC 113855 (Sub-No. 233), filed January 12, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixers, pumping units, commercial laundry tumblers, hide processors, dump trailers, and parts and attachments* for the commodities described above, from Industry, Calif., and Bryan, Ohio, to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113855 (Sub-No. 234), filed January 12, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, MN. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and (2) *attachments for, and equipment* designed for use with the articles described in (1) above and parts for (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Eau Claire, Wis., to points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, and Alaska. Restriction: Restricted to traffic originating at Eau Claire, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No 236), filed January 22, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 3450 Marion Road SE., Rochester, MN 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks and parts and attachments* for lift trucks, from El Monte, Calif., 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 Los Angeles, Calif.

No. MC 113908 (Sub-No. 211), filed January 13, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springdale, MO 65804. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114004 (Sub-No. 93), filed January 25, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tippah County, Miss., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114004 (Sub-No. 94), filed January 25, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Lamar County, Ala., to points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 114457 (Sub-No. 101), filed January 14, 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: *Foodstuff* (except dairy products and meat), and *food dispensing and merchandising equipment and supplies*, from Minneapolis, Minn., to points in Illinois, Indiana, Wisconsin, Ohio, Michigan, Kentucky, Tennessee, Pennsylvania, and West Virginia. NOTE: Applicant states it could tack with its Sub 2 with instant authority to carry canned goods from North Dakota, South Dakota, and Montana, however applicant has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115331 (Sub-No. 296), filed January 13, 1971. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 320 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrups, sweeteners, and blends* thereof, in bulk, from the Tri-City Regional Port Complex located in Madison County, Ill., to points in Arkansas, Indiana, Iowa, Illinois, Kansas, Kentucky, Missouri, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115841 (Sub-No. 395), filed January 18, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. 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 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Luverne, Minn.; West Point, Nebr.; Emporia, Kans.; and Sioux City, Denison, Fort Dodge, Le Mars, and Mason City, Iowa, to points in Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Alabama, Arkansas, Mississippi, 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 Birmingham, Ala.

No. MC 115841 (Sub-No. 396), filed January 18, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Luverne, Minn.; West Point, Nebr.; Emporia, Kans.; and Sioux City, Denison, Fort Dodge, Le Mars, and Mason City, Iowa; to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub-No. 154), filed January 18, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegal Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* complete or in sections, from points in Washington County, Minn., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116935 (Sub-No. 11), filed January 12, 1971. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, NJ 07032. 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: *New furniture*, in containers, between the facilities of Commercial Furniture Distributors, Inc., Kearny, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, Westchester Counties, N.Y., and points in New York and New Jersey, restricted to shipments having prior movement via rail or motor carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 117344 (Sub-No. 211), filed January 18, 1971. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Post Office Box 15010, Cincinnati, OH 45215. Applicant's representative: James R. Stiverson, E. H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in California 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 Columbus, Ohio, or Washington, D.C.

No. MC 117574 (Sub-No. 197), filed January 12, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant), and James W. Hager, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile offices, mobile shops, mobile storage units, and mobile display facilities* (except, in each case, trailers designed to be drawn by passenger automobiles, electrical and scientific laboratory units and buildings in sections mounted on wheeled undercarriages with hitchball connectors), and (2) *removable steps and porches;* installation accessories; incidental fixtures and furnishings; and general commodities only when transported in the items described in (1) above when moving at the same time and by the same vehicle transporting the items in (1) above, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking possibilities, however, it has no present intention to tack, therefore, the tackable authorities are not identified herein. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 148), filed January 18, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and advertising equipment, materials and supplies* when shipped therewith (except commodities in bulk), from the plantsite and/or storage facilities utilized by Ocean Spray Cranberries, Inc., at or near Kenosha, Wis., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118127 (Sub-No. 20), filed November 16, 1970. Applicant: HALE DISTRIBUTING CO., INC., 914 South Vail Avenue, Montebello, CA 90640. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat and meat products;* and (2) *frozen commodities*, the transportation of which is otherwise exempt from economic regulations under section 203(b)(6) of the Act, when moving in the same vehicle and at the same time with commodities authorized in (1)

above, from Manchester, N.H., and Lawrence, Mass., to Fort Carson and Denver, Colo., Chicago, Ill., Fort Leonard Wood and Kansas City, Mo., Fort Riley, Kans., El Paso, Fort Worth, and San Antonio, Tex., Fort Campbell and Fort Knox, Ky., and Nashville, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118159 (Sub-No. 108) (Correction), filed January 4, 1971, published in the FEDERAL REGISTER issue of January 28, 1971, and republished in part as corrected this issue. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street., Oklahoma City, OK 73102. NOTE: The sole purpose of this partial republication is to show the correct docket number as MC 118159 (Sub-No. 108) in lieu of MC 11859 (Sub-No. 108) which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 118178 (Sub-No. 6), filed January 15, 1971. Applicant: BILL MEEKER, an individual, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft parts*, from Wellington, Kans., to points in Texas. NOTE: Applicant holds contract carrier authority in MC 110064, 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 Wichita, Kans.

No. MC 119441 (Sub-No. 23), filed January 14, 1971. Applicant: BAKER HI-WAY EXPRESS, INC., Box 484, Dover, OH 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products* (except in bulk) from the plantsite of the General Wadsworth Brick Corp. in Wadsworth Township, Medina County, Ohio, to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, the District of Columbia, Virginia, and West Virginia; and (2) *materials and supplies* (except in bulk) used in the manufacture of clay products, from points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, the District of Columbia, Virginia, and West Virginia to the plantsites of General Wadsworth Brick Corp. at Baltic, Ohio, and in Wadsworth Township, Medina County, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119604 (Sub-No. 4), filed January 18, 1971. Applicant: SEARS TRUCK LINE, INC., Post Office Box 6016, Jasper, TX 75951. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood shavings*, from the plantsite of Georgia-Pacific Corp., at or near Jasper, Tex., to the plantsite of Georgia-Pacific Corp., at or near Urania, La., (2) *Lumber, plywood, particleboard, and composition lumber*, from the plantsites of Georgia-Pacific Corp. at or near Jasper, Corrigan, and New Waverly, Tex., to all points in Louisiana and (3) *Lumber, plywood, particleboard, and composition lumber*, from the plantsite of Georgia-Pacific Corp. at or near Urania, La., to all points in Texas, under contract with Georgia-Pacific Corp., Crossett Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 119774 (Sub-No. 20), filed January 11, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, Executrix), and JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, orver irregular routes, transporting: *Iron and steel* articles (except oilfield pipe as described in *Mercer Ext.—Oilfield commodities*, 74 M.C.C. 459) from Lone Star, Tex., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it would tack the requested authority with its existing authority at Lone Star, Tex., to perform a through service to numerous States in the transportation of pipe used in earth drilling. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 119778 (Sub-No. 126), filed January 18, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, AL 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, FL 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, from New Orleans, La., to points in Alabama and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119789 (Sub-No. 56), filed January 18, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Hereford, Tex., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, Ohio, Pennsylvania, New York, New Jersey, Maryland, and Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 57), filed January 18, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged foodstuffs*, from Plymouth, Ind., and Hamilton, Mich., to points in Oklahoma, Texas, Arkansas, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Indianapolis, Ind., or Washington, D.C.

No. MC 123293 (Sub-No. 11), filed January 18, 1971. Applicant: FRY SALES AND EQUIPMENT CO., a corporation, Post Office Box 120, Mercersburg, PA 17236. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Preston County, W. Va., and Westmoreland County, Pa., to Hagerstown, Washington County, Md., restricted to transportation to be performed under a continuing contract with PBS Coals, Inc., of Mercersburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124078 (Sub-No. 471), filed January 18, 1971. Applicant: SCHWERMAN TRUCKING CO., 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: *Cement*, from Andalusia, Ala., to points in Florida and Georgia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of

authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 125433 (Sub-No. 23), filed January 11, 1971. Applicant: F–B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe containing asbestos and cement, with accessories, couplings, fittings, and related parts made of plastic and rubber*, when traveling as part of the same shipment, from Stockton, Calif., to points in Wyoming and Colorado. 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 Francisco, Calif., or Salt Lake City, Utah.

No. MC 126118 (Sub-No. 11) (Amendment), filed August 4, 1970, pubilshed in the FEDERAL REGISTER issue of August 27, 1970, and republished as amended this issue. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 8, Johnson City, TN 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, TN. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Latrobe, Pa., to points in Tennessee and Kentucky, and (b) from the Pabst plant in Houston County, Ga., to Johnson City and Knoxville, Tenn., and Bristol and Norton, Va., and (2) *bananas*, from Charleston, S.C., to Johnson City, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the Pabst plant in Houston County, Ga., as the origin point in (1)((b) above in lieu of Perry, Ga. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 127042 (Sub-No. 72), filed January 12, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, (2) *gift packages*, (3) *articles* dealt in by wholesale and retail stores, and (3) *commodities* defined in section 203(b)(6) of the Act, as amended, when shipped in mixed loads with commodities named in (1), (2), and (3) above: (Except commodities in bulk), from points in Wisconsin, to points in the United States (except Hawaii and Alaska). NOTE: Applicant states tacking possibilities with its pending Subs 64 and 70 at Pekin, Ill., or Green Bay, Wis., respectively, but indicates it has no present intention of doing so. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 127215 (Sub-No. 54), filed January 12, 1971. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, from Mount Carmel, Ill., to points in Illinois, Indiana, Kentucky, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127635 (Sub-No. 1), filed January 20, 1971. Applicant: HIGHWAY TRANSPORTATION COMPANY, INC., Terminal Way, Box 2188, South Portland, ME 04106. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, and fuel oil*, in bulk, in tank vehicles, from the storage facilities of the American Oil Co. at South Portland, Maine to points in New Hampshire, under contract with T–M Oil Co., Inc., of Lewiston, Maine. NOTE: Applicant holds common carrier authority under MC 30164 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland or Augusta, Maine.

No. MC 127834 (Sub-No. 61), filed January 15, 1971. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, TN 32703. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Henderson, Tex., to points in Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota and all points east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128007 (Sub-No. 29), filed January 11, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Neosho, Labette, and Wilson Counties, Kans., to points in Arkansas, Missouri, Texas, Iowa, Nebraska, Illinois, 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 Kansas City, Mo.

No. MC 128007 (Sub-No. 30), filed January 11, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Lawrence, Kans., to points in Arkansas and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128021 (Sub-No. 6), filed January 11, 1971. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk in tank vehicles and hides), (1) from points in Iowa, Kansas, Missouri, Nebraska, and Texas to the plantsite and warehouse facilities of the Frosty Morn Meats, Inc., at Quincy, Fla., and (2) from points in Illinois, Indiana, Minnesota, Wisconsin, and Ohio to the plantsite and warehouse facilities of Frosty Morn Meats, Inc., at Montgomery, Ala., and Quincy, Fla., under contract with Frosty Morn Meats, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128089 (Sub-No. 3), filed December 21, 1970. Applicant: GUENTHER TUCKEY TRANSPORTS LIMITED, 165 Main Street North, Exeter, ON, Canada. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and parts and accessories* including snow removal equipment, when moving with road construction machinery, from the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich., to points in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 59, with the return of *refused, rejected* or *traded-in road construction machinery*, and (2) *materials and supplies* used in the manufacture of road construction machinery, from points in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 59 to the international boundary line between the United States and Canada at Port Huron and Detroit, Mich. Restriction: The above authority shall

be limited to the transportation of commodities originating at, or destined to, the plantsite of the Dominion Road Machinery Co. Limited at Goderich, Ontario, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 128273 (Sub-No. 85), filed January 14, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers or converters of paper and paper products, and equipment, materials, and supplies* used in the manufacture and distribution of paper products (except commodities in bulk, and commodities which, because of size or weight require the use of special equipment), between points in Menominee, Mich.; Green Bay, Neenah, Menasha, and Ashland, Wis.; and those in Marathon County, Wis., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Washington, Oregon, California, Nevada, Montana, Wyoming, Colorado, Utah, Arizona, and New Mexico). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128381 (Sub-No. 5), filed January 18, 1971. Applicant: BLUE EAGLE TRUCK LINES, INC., Post Office Box 446, Highland Park, IL 60035. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Suite 2100, Chicago, IL 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and carpeting*, between Chicago, Ill., on the one hand, and, on the other, Dalton, Cartersville, and Calhoun, Ga., restricted to a transportation service to be performed under a continuing contract, or contracts, with A. S. Cohen, Inc., Chicago, Ill., and Value Rug Mart, Norridge, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128497 (Sub-No. 6), filed January 14, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles* distributed by meat packinghouses (except hides and commodities in bulk), 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, from Waterloo, Iowa, to points in Illinois and Wisconsin, restricted to the transportation of traffic originating at the plantsite and warehouse facilities utilized by Rath Packing Co. at Waterloo, Iowa, and destined to points in Illinois and Wisconsin. NOTE: Applicant holds contract carrier authority in MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128866 (Sub-No. 17), filed January 12, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Suite 512, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, for the account of Penny Plate, Inc., from the plantsite of Revere Copper and Brass Co. at Newport, Ark., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and (2) *Scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to the plantsite of Revere Copper and Brass Co. at Newport, Ark., under contract with Penny Plate, Inc., Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133409 (Sub-No. 2), filed January 15, 1971. Applicant: LOUIS H. FOLTZ, doing business as AIR FREIGHT DELIVERY SERVICE, 1031 Orchard Avenue, Winchester, VA 22601. Applicant's representative: Daniel B. Johnson, 716 Peretual Building, 111 E Street NW., Washington, DC 20004. 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, commodities in bulk, and commodities requiring special equipment), between points in Shenandoah, Page, and Warren Counties, Va., on the one hand, and, on the other, Friendship International Airport at Baltimore, Md., Dulles International Airport at Chantilly, Va., and Washington National Airport at Alexandria, Va. Restriction: The operations sought herein are restricted to the transportation of shipments having an immediately prior or subsequent movement by air. 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 133437 (Sub-No. 2), filed January 25, 1971. Applicant: DAVIS CARTAGE CO., a corporation, 1957 Findley, Saginaw, MI 48601. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Bay City, Caro, and Sebewaing, Mich., to storage facilities of Industrial Molasses Corp. at Presque Isle site, Port District, Toledo, Ohio, under a continuing contract or contracts with Industrial Molasses Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133673 (Sub-No. 1), filed January 15, 1971. Applicant: GEORGE T. MASON, doing business as MASON WRECKER SERVICE, 544 North Beverly Street, Casper, WY 82601. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled trucks, truck tractors, truck trailers, and busses*, between points in Colorado, Montana, Nebraska, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., Denver, Colo., or Billings, Mont.

No. MC 133646 (Sub-No. 8), filed January 14, 1971. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, between Torrington, Wyo., Hereford, Tex., and Delta, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133741 (Sub-No. 8), filed January 12, 1971. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton and Evanston, Wyo., to points in Iowa, Illinois, and Missouri, under contract with Star Studs, Inc. NOTE: Applicant holds common carrier authority under MC 134370 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.; Casper or Cheyenne, Wyo.

No. MC 133966 (Sub-No. 6), filed November 30, 1970. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladders and scaffolding*, from Newark Valley, N.Y., to Baltimore, Md., Paterson and Newark, N.J.; Philadelphia, Pittsburgh, and Uniontown, Pa.; Charlotte, N.C., 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 Binghamton, N.Y.

No. MC 134082 (Sub-No. 5), filed January 21, 1971. Applicant: K. H. TRANSPORT, INC., 3330 Rosemary Lane, Ellicott City, MD 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Salisbury, Md., and Downington, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Michigan, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority in MC 128763 and subs thereunder. 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 134232 (Sub-No. 12), filed January 20, 1971. Applicant: JAY LINES, INC., 6210 River Road, Post Office Box 1644, Amarillo, TX 79109. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners, and conditioners, humidifiers, dehumidifiers, and related items, and materials, parts, and supplies* used in the manufacture, production, and distribution thereof, between points in Middlesex County, N.J., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, Colorado, Louisiana, Oklahoma, Texas, and New Mexico, under continuing contract with the Fedders Corp., its divisions, and subsidiaries. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Kansas City, Mo., or Omaha, Nebr.

No. MC 134286 (Sub-No. 6) (Amendment), filed December 4, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as amended this issue. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities utilized by Sioux Beef Co., and Wilson Certified Foods, Inc., both located at Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: The purpose of this republication is to broaden the origin of the application by adding Wilson Certified Foods, Inc., plantsite and storage facilities located at Omaha, Nebr. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134375 (Sub-No. 2), filed January 18, 1971. Applicant: ELDON GRAVES, doing business as GRAVES TRUCKING, Post Office Box 3067, Yakima, WA 98903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat cracklings*, in bulk, from points in Kittitas and Yakima Counties, Wash., to Portland, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134477 (Sub-No. 9), filed January 14, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (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 and foodstuffs in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., at Austin, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Vermont, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis/St. Paul, Minn., or Chicago, Ill.

No. MC 134497 (Sub-No. 1), filed January 8, 1971. Applicant: HI QUALITY TRANSPORTATION, INC., Post Office Box 458, Sumner, WA 98101. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* in vehicles equipped with mechanical refrigeration, between points in King and Pierce Counties, Wash., on the one hand, and, on the other, points in Idaho, Montana, Utah, Oregon, Nevada, Arizona, and California, under contract with Sterile Food Products, Inc., and Darigold Dairy Products, Inc., NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134518 (Sub-No. 4), filed January 12, 1971. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, WI 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, (1) from Dubuque, Iowa, to points in North Dakota and South Dakota; and (2) *rejected shipments of the above commodities*, from points in North Dakota and South Dakota to Dubuque, Iowa, 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 Dubuque, Iowa, or Madison, Wis.

No. MC 134599 (Sub-No. 12), filed January 11, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 16407, Stockyards Station, Denver, CO 80216. Applicant's representative: Acklie & Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, advertising material, equipment materials, and supplies* used in the manufacture of the above items, between Muskegon, Mich., and its commercial zone, on the one hand, and, Florida, Georgia, Alabama, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, Arkansas, Texas, and Oklahoma, on the other, under continuing contract with Scott Paper Co. and its subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134776 (Sub-No. 5) (Amendment), filed December 31, 1970, published in the FEDERAL REGISTER issue of February 4, 1971, and republished in part, as amended, this issue. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The purpose of this partial republication is to add the State of New York to the destination States. The rest of the application remains as previously published.

No. MC 135068 (Sub-No. 1), filed January 8, 1971. Applicant: NORVIE E. PAULK, doing business as PAULK MOVING & STORAGE CO., 3107 East Highway 98 Business, Panama City, FL 32401. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Bay, Gulf, Washington, Jackson, Gadsden, Leon, Liberty, Wakulla, Franklin, and Calhoun Counties, Fla., 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: Common control may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Panama City, Fla.

No. MC 135142 (Sub-No. 2), filed January 15, 1971. Applicant: K & R TRANSPORTATION, INC., 253 East 21st South Street, Salt Lake City, UT 84115. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gourmet foodstuffs*, (1) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio to San Francisco, Calif., and points in Salt Lake County, Utah, (2) from points in Salt Lake County, Utah, to San Francisco, Calif., and (3) from points in California to points in Salt Lake County, Utah, under contract with Holly World Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City Utah, or Denver, Colo.

No. MC 135190 (Sub-No. 2), filed January 18, 1971. Applicant: C. H. JONES MOTOR COMPANY, INC., 3648 Hulmeville Road, Cornwells Heights, PA 19020. Applicant's representative: Norma Dillon, 2355 Brownsville Road, Langhorne, PA 19047. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, loose, in special van type trailers, from points in New York east of U.S. Highway 15 to points in Pennsylvania, New Jersey, West Virginia, Delaware, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 135216 (Sub-No. 1), filed January 11, 1971. Applicant: LEROY DENEAU, Route 1, Chana, Ill. 61015. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Oregon, Ill., on the one hand, and, on the other, O'Hare International Airport, Midway Airport, and Meigs Field, at or near Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135235, filed January 11, 1971. Applicant: LOMA CARTAGE, INC., 10353 Franklin Avenue, Franklin Park, IL 60131. Applicant's representative: Frank J. Belline, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and related supplies and materials*, from points in Cook County, Ill., to points in Lake County, Ind., and Racine, Kenosha, and Milwaukee, Wis., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135249, filed January 20, 1971. Applicant: CLEMENTS MARCINKOWSKI, doing business as MARC TRUCKING, 601 Pavonia Avenue, Jersey City, NJ 07306. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and meat products*, in refrigerated equipment, (1) from Wilmington, Del., to points in Mercer, Middlesex, Union, Essex, and Hudson Counties, N.J., *New York, N.Y. commercial zone*, points in Nassau, Suffolk, and Westchester Counties, N.Y., and (2) from New York, N.Y. commercial zone, to points in Hudson, Essex, Union, Middlesex, Mercer, Ocean, and Salem Counties, N.J., *New York, N.Y. commercial zone*, Nassau, Suffolk, and Westchester Counties, N.Y.; points in Lackawanna, Lehigh, Luzerne, and Northampton Counties, Pa. Restriction: The proposed service is to be restricted to (1) shipments moving from piers only at the described origin points (2) having had a prior movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135255, filed January 20, 1971. Applicant: HARLAN OPPERMAN, 302 East Eighth Street, Gregory, SD 57533. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, both bulk and packaged, from Sioux City, Iowa, to Dante, Fairfax, and Gregory, S. Dak., under contract with Big Soo Terminal, Fairfax Farmer Union Oil Co., Farmers Union Oil Co., Roseland Farmer Union and Farmers Union Central Exchange, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Pierre, S. Dak.

No. MC 135258, filed January 18, 1971. Applicant: EARTH INDUSTRIES, INC., Rural Delivery 2, Box 300, Farmingdale, NJ. 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: (1) *Aggregates*, in bulk, in dump trucks, from Martins Creek, Pa., to points in Ocean and Monmouth Counties, N.J., and (2) *sand*, in bulk, in dump trucks, from points in Ocean and Monmouth Counties, N.J., to Martins Creek, Pa., under contract with Alpha Aggregates of Martins Creek, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135259, filed January 18, 1971. Applicant: G. M. BROWN & SONS, INC., Route No. 3, Caldwell, Idaho 83605. Applicant's representative: Dorsey Campbell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes*, from Nampa, Idaho, to points in Malheur County, Oreg., and *scrap wastepaper and empty wooden pallets*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 135270, filed January 11, 1971. Applicant: WALTER LEMMONS, doing business as W. L. LEASING, Rural Route No. 1, Fort Branch, Ind. 47533. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk cement*, from Evansville, Ind., to points in Kentucky and Illinois, under contract with Kosmos Portland Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

MOTOR CARRIERS OF PASSENGERS

No. MC 2832 (Sub-No. 7), filed January 14, 1971. Applicant: THE KELLEY TRANSIT COMPANY, INC., 30 Railroad Square, Torrington, CT 06790. Applicant's representative: Thomas A. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special operations, in round-trip service, from Danbury and Brookfield, Conn., and points in Litchfield County, Conn., to (1) Yonkers Raceway, Yonkers, N.Y., (2) to Aqueduct Race Track, at or near South Ozone Park, N.Y., (3) to Roosevelt Raceway, at or near Westbury, N.Y., and (4) to Belmont Park Race Track, at or near Elmont, N.Y.; and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., New York City, N.Y., or Springfield, Mass.

No. MC 3647 (Sub-No. 429), filed January 18, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during the authorized racing season at said race tracks, beginning and ending at Brooklyn and Staten Island, N.Y., and extending to Bowie Race Track, Bowie, Md. NOTE: Applicant holds Broker License authority under MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 84728 (Sub-No. 58), filed November 13, 1970. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, DC 20005. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, (1) between Baltimore, Md., and junction of Interstate Highway 95 and Interstate Highway 495, from Baltimore over Interstate Highway 95 to junction of Interstate Highway 95 and Interstate Highway 495, (2) between junction U.S. Highway 29 and Maryland Highway 108 and Waterloo, Md., from junction U.S. Highway 29 over Maryland Highway 108

to Jonestown; thence over Maryland Highway 175 to Waterloo, (3) between Simpsonville, Md., and junction Maryland Highway 32 and U.S. Highway 1, from Simpsonville, over Maryland Highway 32 to junction U.S. Highway 1; and (4) between Scaggsville and Laurel, Md., from Scaggsville over Maryland Highway 216 to Laurel and return over the same routes, serving all intermediate points in (1) thru (4) above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100853 (Sub-No. 14), filed January 8, 1971. Applicant: W. HOWARD PINKETT, 217 Gay Street, Denton, MD 21629. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between points in Delaware and those in Cecil, Kent, Queen Annes, Caroline, Talbot, Dorchester, Somerset, Wicomico, and Worcester Counties, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Easton, Md., or Washington, D.C.

No. MC 135254, filed January 18, 1971. Applicant: FERNANDO MIRELES, doing business as TRANSPORTES "AZTECA", LTD., 1037 South Racine Avenue, Chicago, IL 60607. Applicant's representative: Stephen L. Jennings, 111 West Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in 13 passenger (inclusive of drivers) buses, in special operations, between Chicago, Ill., and Laredo, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATION OF WATER CARRIER

No. W-536 (Sub-No. 12) (HENNEPIN TOWING COMPANY—Extension—Upper Mississippi River), filed February 1, 1971. Applicant: HENNEPIN TOWING COMPANY, a corporation, 7703 Normandale Road, Minneapolis, MN 55435. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. By application filed February 1, 1971, Applicant seeks a revision of its present Sixth Amended Certificate of Public Convenience and Necessity No. W-536, so as to add to its present operating authority, the authority to perform operations as a common carrier, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *commodities generally*, and by towing vessels in the performance of general towage: Between ports and points along the Mississippi River below and including Minneapolis, Minn.; the Minnesota River below and including Shakopee, Minn.; the St. Croix River below and including Stillwater, Minn.; the Illinois Waterway below and including the Lake Michigan ports between and including Waukegan, Ill., and Michigan City, Ind.; the Ohio River below and including Pittsburgh, Pa.; the Allegheny River below and including East Brady, Pa.; the Monongahela River below and including Fairmont, W. Va.; the Kanawha River below and including Gauley Bridge, W. Va.; and the Licking River below and including Ryland Lakes, Ky. Applicant desires to give notice that it intends to "tack" or join the above requested authority with its existing authority to the fullest extent permissible for the purpose of providing a through service. All of the above authority is sought in addition to the ports and points which applicant is presently authorized to serve pursuant to its Sixth Amended Certificate and Order in No. W-536, dated October 10, 1969.

APPLICATION OF FREIGHT FORWARDERS

No. FF-302 (Sub-No. 2) (ALL TRANSPORT INCORPORATED—Extension—Export) filed January 27, 1971. Applicant: ALL TRANSPORT INCORPORATED, 17 Battery Place, New York, NY 10004. Applicant's representative: Harold E. Mesirow, 1001 Connecticut Avenue NW., Washington, DC 20036. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle in the transportation of: *General commodities*, restricted to export traffic having a subsequent movement by water in foreign commerce, from points in Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan (insofar as such transportation takes place within the United States) to Montreal, Quebec, Canada, and Halifax, Nova Scotia, Canada.

No. FF-341 (Sub-No. 2) (INTERMOUNTAIN FAST FREIGHT—EXTENSION—Wyoming), filed January 28, 1971. Applicant: INTERMOUNTAIN FAST FREIGHT, 1426 East Fourth Street, Los Angeles, CA. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, CA 90013. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad and motor vehicle in the transportation of: *General commodities*, from points in California to points in Wyoming and Colorado.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 165), filed January 12, 1971. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, 10 South Riverside Plaza, Cleveland, OH 44113, Chicago, IL 60606. Applicant's representative: L. C. Major, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) From Interchange No. 76 of the Connecticut Turnpike (Connecticut Highway 52) over the Connecticut Turnpike to Interchange No. 81, thence over Connecticut Highways 2 and 32 to Norwich, Conn., thence over Connecticut Highways 2 and 32 to junction with Town Street, just north of Norwich, thence over Town Street to its junction with West Town Street, thence over West Town Street to its junction with the Connecticut Turnpike at Interchange No. 82, thence over the Connecticut Turnpike to its eastern terminus at the Connecticut-Rhode Island State line, at the junction of the Connecticut Turnpike and U.S. Highway 6 near South Killingly, Conn., and return over the same route, serving the intermediate points located on West Town Street, Town Street, the city of Norwich, Conn., and Connecticut Highways 2 and 32; and also serving Interchange No. 78 of the Connecticut Turnpike for the purpose of joinder only; (2) from Interchange No. 82 of the Connecticut Turnpike over the Connecticut Turnpike (Connecticut Highway 52) to its Interchange No. 81, and return over the same route, serving no intermediate points; and (3) from New London, Conn., over Connecticut Highway 32 to its junction with access road leading to Interchange No. 78 of the Connecticut Turnpike, thence over said access road to its junction with the Connecticut Turnpike at Interchange No. 78, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points. NOTE: Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-1872 Filed 2-10-71;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1971.

Protests to the granting of an application must be prepared in accordance with §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. 42127—*Vinyl chloride to specified points in New England.* Filed by Southwestern Freight Bureau, agent (No. B-213), for interested rail carriers. Rates on vinyl chloride, in tank carloads, as described in the application, from specified points in Texas and Louisiana, to specified points in Massachusetts and Rhode Island.

Grounds for relief—Market competition.

Tariff—Supplement 5 to Southwestern Freight Bureau, agent, tariff ICC 4922.

FSA No. 42128—*Gravel from Attica, Ind.* Filed by Illinois Freight Association, agent, (No. 363), for and on behalf of Norfolk and Western Railway Co. Rates on traffic bound gravel, road surfacing, passing through a 1 inch screen (not suitable for concrete construction), in carloads, as described in the application, from Attica, Ind., to specified points in Illinois.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 103 to Norfolk and Western Railway Co. tariff ICC 8115 (Wabash series).

FSA No. 42129—*Ethylene dichloride from points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B–207), for interested rail carriers. Rates on ethylene dichloride, in tank carloads, as described in the application, from Nadeau and Texas City, Tex. to Chicago, Ill., and points taking same rates, also Lemont, Ill.

Grounds for relief—Related commodity relationship.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff ICC 4899.

By the Commission.

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

[FR Doc.71–1937 Filed 2–10–71;8:49 am]

[Notice 244]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 8, 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 1824 (Sub-No. 53 TA), filed February 3, 1971. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and not frozen, in vehicles equipped with mechanical refrigeration, between the plantsite and warehouses of the Great Atlantic & Pacific Tea Co. at Salem, Ohio, as an off-route points in connection with carrier's regular route operations, between Youngstown, Ohio, and Cleveland, Ohio, for 180 days. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., National Traffic and Transportation Department, 90 Delaware Avenue, Paterson, NJ 07503. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Old Post Office Building, 129 East Main Street, Salisbury, MD 21801.

No. MC 87909 (Sub-No. 13 TA), filed February 3, 1971. Applicant: ARROW MOTOR FREIGHT LINE, INC., 661 South La Salle Street, Post Office Box 500, Waterloo, IA 50704, St. Paul, MN 55114. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Waterloo and Des Moines, Iowa, from Waterloo over Iowa Highway 57 to the junction of Iowa Highway 14 thence over Iowa Highway 14 to the junction of Iowa Highway 175 thence over Iowa Highway 175 to junction U.S. Highway 69 thence over U.S. Highway 69 to Des Moines, Iowa, and return over the same route, serving all intermediate points on the above routes and the off-route points of Reinbeck, Morrison, Stout, Fern, Holland, Wellsburg, McCallsburg, Garden City, and Roland, Iowa. Applicant seeks authorization to tack this authority to that contained in MC–87909 at Waterloo and Des Moines, Iowa, for 180 days. Supporting shippers: There are approximately 35 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 A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 106743 (Sub-No. 10 TA) (Amendment), filed January 20, 1971, and published FEDERAL REGISTER issue January 29, 1971, and republished as amended this issue. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, 4081 Ross Clark Circle NW., Dothan, AL 36301. Applicant's representative: Richard S. Richard, 57 Adams Avenue, Montgomery, AL 36104. NOTE: The purpose of this republication is to show the application has been amended to add service to points in Clayton and Walker Counties, Ga. The rest of the application remains the same.

No. MC 109689 (Sub-No. 221 TA) filed February 3, 1971. Applicant: W. S. HATCH CO., Office: 643 South 800 West Street, Mail: Post Office Box 1825, Salt Lake City, Utah 84110, Woods Cross, Utah 84087 (Utah Corp.). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric sulfate*, in bulk, from points in California, to the Mohave Steam Electric Generating Plant, Clark County, Nev., located approximately 25 miles north of Needles, Calif., for 180 days. Supporting shipper: Southern California Edison Co., Post Office Box 351, Los Angeles, Calif. 90053 (James W. Harris). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 114328 (Sub-No. 4 TA), filed February 3, 1971. Applicant: CLACKAMAS TRUCKING CO., Post Office Box 127, Clackamas, OR 97015 (Oreg. Corp.). 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 magazines at Baxer Springs, Kans., to points in California, Nevada, Idaho, and Montana, for 180 days. Supporting shipper: Atlas Chemical Industries, Inc., Wilmington, Del. 19899. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 125785 (Sub-No. 10 TA), filed February 3, 1971. Applicant: SATURN EXPRESS, INC., The Plaza 90 Building, Room 206, 90th and L Streets, Omaha, NE. Applicant's representative: Charles J. Kimball, 300 NSEA Building, 14th and J Streets, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Florence, Ala., and Jackson, Miss., to Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa, for 150 days. Supporting shipper: Mosaic Tile Co., Florence, Ala. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 128383 (Sub-No. 7 TA) (Correction), filed January 26, 1971, and published in the FEDERAL REGISTER notice No. 239, and republished as corrected this issue. Applicant: PINTO TRUCKING SERVICE, INC., 1219 Morris Street, Philadelphia, PA 19148. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. NOTE: The purpose of this republication is to show that in (2) applicant proposes service between Wilkes-Barre-Scranton Airport located in Luzerne and

Lackawanna Counties, Pa., and does not seek to serve points in Luzerne and Lackawanna Counties, Pa., as set forth in error. The rest of notice remains as previously published.

No. MC 134400 (Sub-No. 4 TA), filed February 3, 1971. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345 South Main Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shelters, dock or vehicle, dock enclosures, canopies, awnings, protective shields, screens or garments, kits partitions, protective blankets, visibility belts, cable and hose protectors, and related commodities*, from Dubuque, Iowa, to points in Connecticut, Maryland, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Frommelt Industries Inc., 465 Huff Street, Dubuque, IA 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 134754 (Sub-No. 1 TA), filed February 3, 1971. Applicant: JACK HICKMAN, 404 Hill Street, Summersville, WV 26651. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Summersville, W. Va., to Ashland and Greenup, Ky., Oak Hill, Portsmouth, and Columbus, Ohio, and Indianapolis, Ind., for 180 days. Supporting shipper: Peerless Eagle Coal Co., Farmers and Merchants Bank Building, Summersville, WV 26651 (Attention: Edward M. Williams, Chief Engineer). Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

By the Commission.

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

[FR Doc.71-1939 Filed 2-10-71;8:49 am]

[No. 35350]

NORTH CAROLINA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of January 1971.

Upon petition filed November 20, 1970, the Carolina, Clinchfield and Ohio Railway, Louisville and Nashville Railroad Co., Norfolk and Western Railway Co., Norfolk Southern Railway Co., Seaboard Coast Line Railroad Co., Southern Railway Co., and their shortline connections operating in North Carolina, aver that the North Carolina Utilities Commission has not authorized petitioners to increase their intrastate rates and charges within the State of North Carolina in amounts corresponding to increases maintained by the carriers on interstate commerce as authorized by this Commission on an interim basis in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971 (pending final decision); and

It appearing, that petitioners allege that the interstate rates and charges, as increased, are just and reasonable; that conditions incident to the transportation of commodities within the State of North Carolina are not more favorable than the commodities to, from, and through points in the State of North Carolina; that increases in intrastate rates and charges comparable to those authorized in Ex Parte No. 265 and Ex Parte No. 267 would not result in rates or charges that are unreasonable; that the failure of the North Carolina intrastate rates to include the increases referred to causes and results in the petitioners being required to maintain abnormally low rates on such traffic, depriving them of needed revenue to improve earnings and cash flow and to offset increased operating costs, thus causing an undue burden on interstate commerce, causing undue, unreasonable, and unjust discrimination against interstate commerce, and giving undue and unreasonable advantage to intrastate shippers and subjecting interstate shippers of the same commodities to undue and unreasonable prejudice and disadvantage;

It further appearing, that the petitioners request that the matter be set for early hearing and that an examiner's report and recommended order be omitted;

It further appearing, that the North Carolina Utilities Commission filed a combined answer and motion to dismiss the petition on December 2, 1970, alleging that the lack of authority to increase the intrastate rates and charges, as sought in the petition, results from the petitioners' voluntary withdrawal or failure to file an application with the North Carolina Utilities Commission seeking the increases, and is an attempt to bypass the State regulatory authority which violates the traditional doctrine of Federal-State sovereignty; that the justness and reasonableness of the interstate increases are not based on formal findings of this Commission; that the intrastate rates are just and reasonable under State law and not abnormally low; that it has not been established that the increase is vitally needed or that failure to increase intrastate rates as requested will impair earnings and cash flow and help offset increased operating expenses or cause undue, unreasonable, or unjust discrimination against, or undue burden on interstate commerce; that in numerous instances conditions in regard to transportation in intrastate commerce are more favorable than in regard to interstate transportation; and that the petition does not establish that "special expedition" is required to be given to a proceeding of this magnitude, but if the petition is not denied or dismissed, the proceeding should be set for hearing at Raleigh, N.C.;

And it further appearing, that there have been brought in issue by the carriers' petition matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of North Carolina, which investigation, according to the proviso in section 13(4) of the act, the Commission must institute whether or not the issues were theretofore considered by the State agency or authority, and that the Commission must give special expedition to the decision, including early hearing therein;

Wherefore, and good cause appearing therefor:

It is ordered, That the motion of the North Carolina Utilities Commission to dismiss the carriers' petition be, and it is hereby, denied.

It is further ordered, That the carriers' petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under sections 13 and 15 of the act to determine whether the said rates and charges of the carriers by railroad, operating in the State of North Carolina, imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on the same commodities for interstate transportation in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971, any undue or unreasonable advantage, preference, or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against, or undue burden on interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges should be prescribed to remove the unlawful advantage, preference, prejudice, discrimination, or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of North Carolina, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents, and that the State of North Carolina be notified of the proceeding by sending copies of this order and of the carriers' petition by certified mail to the Governor of the said State and to the North Carolina Utilities Commission at Raleigh, N.C.

It is further ordered, That all persons, except the petitioners and the North Carolina Utilities Commission, who wish to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying this Commission in writing on or before March 5, 1971. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests shall endeavor to consolidate their presentation to the greatest extent possible. The Commission desires participation only of

those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Commission's Office of Proceedings will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices and orders entered herein will be served solely on the persons responding to this order and on the present parties.

And it is further ordered, That this proceeding be assigned for hearing as may hereinafter be designated, and that the request for elimination of a report and recommended order be denied as premature, without prejudice to the renewal of the request at a later date.

By the Commission, Division 2.

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

[FR Doc.71-1938 Filed 2-10-71;8:49 am]

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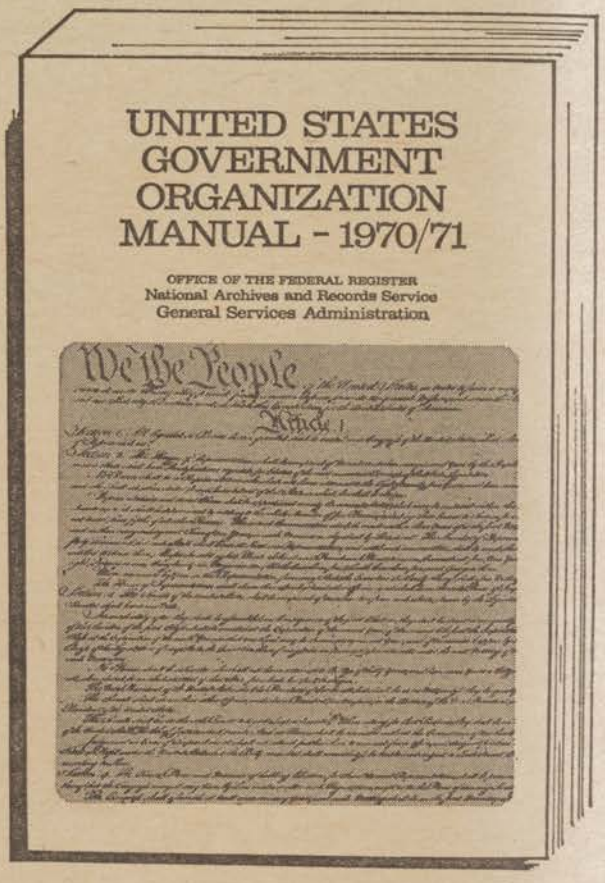

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