FEDERAL REGISTER

VOLUME 36 • NUMBER 78

Thursday, April 22, 1971 • Washington, D.C.

Pages 7575–7641

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4048

Senior Citizens Month, 1971

By the President of the United States of America

A Proclamation

From its beginnings, the American Nation has been dedicated to the constant pursuit of better tomorrows. Yet, for many of our 20 million older Americans the "tomorrows" that arrive with their later years have not been better. Rather than days of reward, happiness, and opportunity, they have too often been days of disappointment, loneliness, and anxiety. It is imperative that this situation be changed.

Some of the problems of older Americans have their roots in economic causes. For example, the incidence of poverty is more than twice as great among older Americans as among those under 65. This is especially tragic because many of these people did not become poor until they reached their later years. Moreover, the economic gap between the age groups has been accompanied in recent years by a growing sense of social and psychological separation, so that too often our older citizens are regarded as an unwanted generation.

The generation of Americans over 65 have lived through a particularly challenging time in world history. The fact that our country has come through the first two-thirds of the twentieth century as a strong and growing Nation is the direct result of their devotion and their resourcefulness. We owe them a great deal—not only for what they have done in the past but also for what they are continuing to do today. Perhaps the greatest error which younger Americans make in dealing with the elderly is to underestimate the energy and skill which they can still contribute to their country.

During the last year, several hundred thousand older people wrote to officials of the Federal Government and told us in their own words—some sad, some hopeful—about what they need and what they desire. We learned once again that what they seek most of all is a continuing role in shaping the destiny of their society. We must find new ways for helping them play such a role—an undertaking which will require a basic change in the attitudes of many Americans who are not yet elderly.

As a part of our effort to achieve such changes, our Nation each year observes the month of May as Senior Citizens Month. This is a time when we make a special effort to thank our older citizens for all they have contributed to America's progress. It is also a time for asking with special

force whether they are now sharing in that progress as fully as they deserve and desire and for renewing our efforts to help them live proud and fulfilling lives.

Senior Citizens Month, 1971, will be a particularly important time for such endeavors, for this is the year of the White House Conference on Aging. The Governor of every State has issued a call for a State Conference on Aging to be held during May. From these State conferences will come policy recommendations which will be submitted to the White House Conference in Washington next November.

I know that the work of these State conferences during Senior Citizens Month—like the work of the White House Conference next autumn—will be undertaken with a high sense of discipline, commitment, and imagination. The Nation owes no less to those who have given so much to its development.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate May, 1971, as Senior Citizens Month. The theme for this month will be Toward a National Policy on Aging.

I am deeply grateful to the Governors for their concern and participation in this observance. I urge officials of government at all levels—national, State, and local—and of voluntary organizations and private groups to give special attention to the problems of older Americans during this period.

I also call upon individual citizens of all ages to take full advantage of this opportunity to share in designing a better future—for those who are now numbered among our older citizens and for all who will be among that number someday.

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

Richard Nixon

[FR Doc.71-5700 Filed 4-20-71;4:56 pm]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-545]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, a new subdivision (vi) relating to Greene, Lenoir, and Wayne Counties is added to read:

(7) *North Carolina.* * * *

(vi) The adjacent portions of Greene, Lenoir and Wayne Counties bounded by a line beginning at the junction of Secondary Road 1149 and Secondary Road 1002 in Greene County; thence, following Secondary Road 1002 in a southwesterly direction to Secondary Road 1124; thence, following Secondary Road 1124 in a southwesterly direction to Secondary Road 1120; thence, following Secondary Road 1120 in a westerly direction to Secondary Road 1123; thence, following Secondary Road 1123 in a southerly direction to Secondary Road 1534 in Lenoir County; thence, following Secondary Road 1534 in a southwesterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a southwesterly direction to Secondary Road 1504; thence, following Secondary Road 1504 in a southwesterly direction to Secondary Road 1508; thence, following Secondary Road 1508 in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a northerly direction to Secondary Road 1506; thence, following Secondary Road 1506 in a westerly direction to Secondary Road 1502; thence, following Secondary Road 1502 in a northwesterly direction to Secondary Road 1502 in a northwesterly direction to Secondary Road 1715 in Wayne County; thence, following Secondary Road 1715 in a northwesterly direction to Secondary Road 1718; thence, following Secondary Road 1718 in a southwesterly direction to Secondary Road 1717; thence, following Secondary Road 1717 in a northwesterly direction to Secondary Road 1714; thence, following Secondary Road 1714 in a southwesterly direction to Secondary Road 1719; thence, following Secondary Road 1719 in a northerly direction to Secondary Road 1705; thence, following Secondary Road 1705 in a northeasterly direction to Secondary Road 1700; thence, following Secondary Road 1700 in a northeasterly direction to U.S. Highway 13 in Greene County; thence, following U.S. Highway 13 in a southeasterly direction to Secondary Road 1140; thence, following Secondary Road 1140 in a northeasterly direction to Secondary Road 1149; thence, following Secondary Road 1149 in a generally southeasterly direction to its junction with Secondary Road 1002 in Greene County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Greene, Lenoir, and Wayne Counties in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

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

Done at Washington, D.C., this 16th day of April 1971.

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

[FR Doc.71-5593 Filed 4-21-71;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-5-AD; Amdt. 39-1193]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 320 Series Airplanes

There have been reports of electrical failures and inflight engine nacelle fires in the area between the canted bulkhead and the firewall in the engines of Cessna Model 320 series airplanes. Investigation of these incidents discloses that these conditions are caused by nacelle heat deteriorating insulation on the electrical wiring in the engine nacelles. This deterioration along with engine vibration causes the nacelle electrical wiring to short resulting in the aforementioned fires. Since these conditions are likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring repetitive visual inspections of the engine nacelle wiring and the exhaust heat shield on Cessna Model 320 series airplanes for evidence of deterioration or improper installation. If any of the inspections disclose such deterioration, the AD requires replacement of deteriorated parts prior to returning the airplane to service. The AD will further require the incorporation of the modifications provided in Cessna Service Letter ME71-6, dated April 9, 1971, and Cessna Service Kit SK320-53 dated March 5, 1971. These modifications are to be accomplished no later than January 1, 1972. These modifications provide new exhaust heat shields, improved protection for the electrical wiring and a method of cooling the critical area.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

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 AD.

CESSNA. Applies to all Model 320 series airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent nacelle electrical failures and inflight electrical fires, accomplish the following:

(A) Within the next 50 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the date of the last inspection, visually inspect the following:

(1) The insulating material of the electrical wiring, grommet and clamps located in the engine nacelles between the canted bulkhead and the firewall for charred, burnt or heat hardened conditions;

(2) The heat shields located in the engine nacelles between the canted bulkhead and the firewall for deterioration or improper installation and attachment that could contribute to excessive heat in this area.

(B) If any of the conditions described in paragraph A are found during the required inspections, prior to further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be performed, replace any defective parts with airworthy parts. The replacement of defective parts does not relieve the requirement for the repeated inspections specified in paragraph A.

(C) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Central Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(D) On or before January 1, 1972 modify the engine nacelles in accordance with Cessna Service Letter ME71–6, dated April 9, 1971, and Cessna Service Kit SK320–53, dated March 5, 1971, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) When the engine nacelles are modified in accordance with Cessna Service Letter ME71–6, dated April 9, 1971, and Cessna Service Kit SK320–53, dated March 5, 1971, the inspections required by Paragraph A will no longer be required.

This amendment becomes effective April 23, 1971.

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

Issued in Kansas City, Mo., on April 14, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71–5586 Filed 4–21–71;8:46 am]

[Docket No. 70–CE–6–AD; Amdt. 39–1194]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Airplanes

Amendment 39–994 published in the FEDERAL REGISTER on May 26, 1970 (35 F.R. 8211), AD 70–11–2, applicable to Cessna Model T310, 320, 401 and 402 series airplanes, is an Airworthiness Directive which requires repetitive visual inspections and testing for leakage of the engine exhaust system and replacement of defective exhaust system components where necessary on these series airplanes. Subsequent to the issuance of Amendment 39–994, the manufacturer has developed a more detailed inspection procedure and instructions for torquing the bolts on the "V" band type clamps installed in the exhaust system. This information is contained in Cessna Service Letter ME70–20, Supplement No. 1, dated April 9, 1971. In addition, AD 70–11–2 did not allow any gas leakage at the joints which have the "V" band type clamp. Excessive torquing of the clamp to stop exhaust leakage during the inspection procedure causes stretching of the clamp outer band to the point where failure can occur. Consequently, AD 70–11–2 will be amended to make the requirements of the Cessna Service Letter mandatory and to provide a note to caution mechanics against excessive torquing of the clamp bolts.

Since this amendment is in part relaxatory in nature, provides clarification and is in the interest of safety it imposes no additional burden on any person. Consequently, it is found that notice and public procedure hereon are impracticable and good cause exists for making it effective in less than thirty (30) days.

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, Amendment 39–994 (35 F.R. 8211), AD 70–11–2, is amended by amending paragraphs B and C and adding a Note following paragraph D which read as follows:

(B) Visually inspect the complete exhaust manifold, joints and "V" band clamps for cracks or breaks.

(C) Test the complete exhaust manifold and joints for leakage in accordance with the following procedures as outlined in Cessna Service Letter ME70–20, Supplement No. 1, dated April 9, 1971, or any other equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(1) Plug either the waste gate overboard tube or the turbine overboard tube with a rubber plug.

(2) Attach the pressure side of an industrial vacuum cleaner to the open overboard tube using a rubber plug to affect a seal as required.

(3) With vacuum cleaner operating, check complete exhaust manifold and joints manually by feel or by using a soap solution and watching for bubbles. The exhaust system must be free of air leaks, with the exception of the waste-gate bearings, the ball joints at the bellows assembly, the turbocharger and bearing housing joint, and "V" band joint clamps, which will show some bubbling.

NOTE: Caution should be exercised to prevent over-torquing of the "V" band clamp at applicable locations. Condition of the clamp during each inspection required by this AD should be determined and torquing of the clamp bolt should be accomplished in accordance with Cessna Service Letter ME70–20, Supplement No. 1, dated April 9, 1971.

This amendment becomes effective April 23, 1971.

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

Issued in Kansas City, Mo., on April 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71–5587 Filed 4–21–71;8:47 am]

[Airspace Docket No. 71–SO–7]

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

Designation of Transition Area

On April 3, 1971, F.R. Doc. No. 71–4665 was published in the FEDERAL REGISTER (36 F.R. 6414), amending Part 71 of the Federal Aviation Regulations by designating the Fayetteville, Tenn., transition area.

In the amendment, the effective date was published as June 24, 1971. Subsequently, it was determined that the navigation facility would be commissioned on May 27, 1971. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71–4665 is amended as follows:

"* * * June 24, 1971 * * *" is deleted and "* * * May 27, 1971 * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 12, 1971.

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

[FR Doc.71–5588 Filed 4–21–71;8:47 am]

[Docket No. 10992; Amdt. No. 753]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (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 made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

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 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective May 20, 1971.

Cleveland, Ohio—Cleveland-Hopkins International Airport; LOC(BC) Runways 23 L/R, Amdt. 6; Revised.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective May 20, 1971.

Cleveland, Ohio—Cleveland-Hopkins International Airport; NDB Runways 5R/5L, Amdt. 5; Revised.
Cleveland, Ohio—Cleveland-Hopkins International Airport; NDB Runway 23 L/R, Amdt. 8; Revised.
Miami, Fla.—Miami International Airport; NDB Runway 27L, Amdt. 7; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective May 20, 1971.

Cleveland, Ohio—Cleveland-Hopkins International Airport; ILS Runways 5R/5L, Amdt. 7; Revised.
Cleveland, Ohio—Cleveland-Hopkins International Airport; ILS Runway 28R, Amdt. 8; Revised.

4. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective May 20, 1971.

Cleveland, Ohio—Cleveland-Hopkins International Airport; Radar-1, Amdt. 17; Revised.

5. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective May 20, 1971.

Albuquerque, N. Mex.—Albuquerque Sunport, Kirtland AFB; RNAV Runway 8, Original; Established.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 31, Amdt. 1; Revised.
Fort Worth, Tex.—Greater Southwest International Dallas-Fort Worth Field; RNAV Runway 35, Amdt. 1; Revised.
Hutchinson, Kans.—Hutchinson Municipal Airport; RNAV Runway 31, Original; Established.
Kansas City, Kans.—Fairfax Municipal Airport; RNAV–A, Original; Established.
New Orleans, La.—New Orleans International Airport; RNAV Runway 1, 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) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 13, 1971.

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

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

[FR Doc.71-5534 Filed 4-21-71;8:45 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Topical-Otic-Ophthalmic Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (12-258V) filed by E. R. Squibb & Sons, Inc., proposing revised labeling regarding the safe and effective use of nystatin, neomycin, thiostrepton, and triamcinolone acetonide as an antifungal, antibiotic, and corticosteroid ointment for topical and otic use in cats and dogs and as an ophthalmic preparation for use in cats, dogs, and cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding two new sections as follows:

§ 135a.11 Nystatin, neomycin, thiostrepton, and triamcinolone acetonide ophthalmic ointment veterinary.

(a) *Specifications.* Each cubic centimeter of ointment contains: 100,000 units of nystatin, neomycin sulfate equivalent to 2.5 milligrams of neomycin base, 2,500 units of thiostrepton, and 1.0 milligram of triamcinolone acetonide.

(b) *Sponsor.* E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887.

(c) *Conditions of use.* (1) The drug is recommended for ophthalmic use as an anti-inflammatory, antipruritic, antifungal (Candida albicans), and antibacterial ointment for local therapy in keratitis and conjunctivitis in cats and dogs and for infectious keratoconjunctivitis (pink eye) in cattle.

(2) It is to be administered as follows:

(i) For conjunctivitis and keratitis: Apply one drop of ointment to the affected eye(s) two or three times daily. Treatment may be continued for up to 2 weeks if necessary.

(ii) For bovine infectious keratoconjunctivitis: Apply small line of ointment to the affected eye(s) once daily. Treatment may be continued for up to 2 weeks if necessary.

(iii) Frequency of administration is dependent on the severity of the condition. For mild inflammations, applications may range from once daily to once a week; for severe conditions the drug may be applied as often as two to three times daily. Frequency of treatment may be decreased as improvement occurs.

(3) For use only by or on the order of a licensed veterinarian.

§ 135a.12 Nystatin, neomycin, thiostrepton, and triamcinolone acetonide ointment veterinary.

(a) *Specifications.* Each cubic centimeter of ointment contains: 100,000 units of nystatin, neomycin sulfate equivalent to 2.5 milligrams of neomycin base, 2,500 units thiostrepton, and 1.0 milligram of triamcinolone acetonide.

(b) *Sponsor.* E. R. Squibb & Sons, Inc., Three Bridges, N.J. 08887.

(c) *Conditions of use.* (1) The drug is recommended for local therapy as an anti-inflammatory, antipruritic, antifungal, and antibacterial ointment for the topical therapy of cutaneous disorders in cats and dogs. It is used in the treatment of acute and chronic otitis of varied etiologies, in interidigital cysts in cats and dogs, and in anal gland infections in dogs. It is also indicated in the management of dermatologic disorders characterized by inflammation and dry or exudative dermatitis particularly those caused, complicated, or threatened by bacterial or candidal (Candida albicans) infections. It is also used in eczematous dermatitis, contact dermatitis, and seborrheic dermatitis and as an adjunct in the treatment of dermatitis due to parasitic infestation.

(2) It is to be administered as follows:

(i) For otitis: Clean ear canal of impacted cerumen. Inspect canal and remove any foreign bodies such as grass, awns, ticks, etc. Instill three to five drops of ointment. Preliminary use of a local anesthetic may be advisable.

(ii) For infected anal glands, cystic areas, etc.: Drain gland or cyst and then fill with ointment.

(iii) For other dermatologic disorders: Clean affected areas and remove any encrusted discharge or exudate. Apply ointment sparingly in a thin film.

(iv) Frequency of administration is dependent upon the severity of the condition. For mild inflammations, application may range from once daily to once a week; for severe conditions the ointment may be applied as often as two to three times daily. Frequency of treatment may be decreased as improvement occurs.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–22–71).

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

Dated: April 14, 1971.

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

[FR Doc.71-5611 Filed 4-21-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on October 9, 1970 (35 F.R. 15916). The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.104 is amended by revising paragraph (c)(4) to read as follows:

§ 601.104 Collection functions.

* * * * *

(c) *Enforcement procedure.* * * *

(4) *Penalties.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of tax is, pursuant to statute, added to the tax unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director or the director of the regional service center to be due to reasonable cause and not neglect. In the case of failure to file an exempt organization information return within the prescribed time, a penalty of $10 a day for each day the return is delinquent is assessed unless the failure to file the return within the prescribed time is shown to be due to reasonable cause and not neglect. In the case of failure to pay or deposit taxes due within the prescribed time, a certain percentage of the amount of tax due is, pursuant to statute, added to the tax unless the failure to pay or deposit the tax due within the prescribed time is shown to the satisfaction of the district director or the director of the regional service center to be due to reasonable cause and not neglect. Civil penalties are also imposed for fraudulent returns; in the case of income and gift taxes, for intentional disregard of rules and regulations or negligence; and additions to the tax are imposed for the failure to comply with the requirements of law with respect to the estimated income tax. See chapter 68 of the Code. A 50 percent penalty, in addition to the personal liability incurred, is imposed upon any person who fails or refuses without reasonable cause to honor a levy. Civil penalties may also be imposed for failure to pay the tax on liquors, cigars, cigarettes, and cigarette papers and tubes within the time prescribed. See chapter 51 and 52 of the Code. Criminal penalties are imposed for willful failure to make returns, keep records, supply information, etc. See chapter 75 of the Code.

* * * * *

PAR. 2. Section 601.105 is amended by revising paragraphs (b)(1), (d)(1), and (e)(1) to read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

* * * * *

(b) *Examination of returns.*—(1) *General.* The original examination of income (including partnership and fiduciary), estate, gift, excise, employment, exempt organization, and information returns is a primary function of examining officers in the Audit Division of the office of each district director of internal revenue. Such examining officers are organized in groups, each of which is under the immediate supervision of a group supervisor designated by the district director. Revenue agents (and such other officers or employees of the Internal Revenue Service as may be designated for this purpose by the Commissioner) are authorized to examine any books, papers, records, or memoranda bearing upon matters required to be included in Federal tax returns and to take testimony relative thereto and to administer oaths. See section 7602 of the Code and the regulations thereunder. There are two general types of audit. These are commonly called "office audit" and "field audit". During the audit of a return a taxpayer may be represented before the examining officer by an attorney, certified public accountant, or other representative. See Subpart E of this part for conference and practice requirements.

* * * * *

(d) *Thirty-day letters and protests.*—(1) *General.* The report of the examining officer, as approved after review, recommends one of four determinations:

(i) Acceptance of the return as filed and closing of the case;

(ii) Assertion of a given deficiency or additional tax;

(iii) Allowance of a given overassessment, with or without a claim for refund, credit, or abatement;

(iv) Denial of a claim for refund, credit, or abatement which has been filed and is found wholly lacking in merit. When a return is accepted as filed (as in subdivision (i) of this subparagraph), the taxpayer is notified by appropriate "no change" letter. In an unagreed case, the district director sends to the taxpayer a preliminary or "30-day letter" if any one of the last three determinations is made (except a full allowance of a claim in respect of any tax). The 30-day letter is a form letter which states the determination proposed to be made. It is accompanied by a copy of the examining officer's report explaining the basis of the proposed determination. It suggests to the taxpayer that if he concurs in the recommendation, he indicate his agreement by executing and returning a waiver or acceptance. The preliminary letter also informs the taxpayer of appeal rights available to him if he disagrees with the proposed determination. If the taxpayer does not respond to the letter within 30 days, a statutory notice of deficiency will be issued or other appropriate action taken, such as the issuance of a notice of adjustment, the denial of a claim in income, profits, estate, and gift tax cases, or an appropriate adjustment of the tax liability or denial of a claim in excise and employment tax cases.

* * * * *

(e) *Claims for refund or credit.* (1) After payment of the tax a taxpayer may (unless he has executed an agreement to the contrary) contest the assessment by filing a claim for refund or credit for all or any part of the amount paid, except as provided in section 6512 of the Code with respect to certain taxes determined by the Tax Court, the decision of which has become final. A claim for refund or credit is made on Form 1040X or 1120X, where applicable, or Form 843. These forms are obtainable from the district director. Generally, the claim, together with appropriate supporting evidence, must be filed in the office of the district director for the district in which the tax was paid. A claim for refund or credit must be filed within the applicable statutory period of limitation. In the case of individuals a properly executed income tax return may, if the taxpayer elects, operate as a claim for refund or credit of the amount of the overpayment disclosed by such return.

* * * * *

PAR. 3. Section 601.106 is amended by adding a new subparagraph (4) to paragraph (a) and by revising paragraph (d)(3)(iii)(*i*) to read as follows:

§ 601.106 Appellate functions.

(a) *General.* * * *

(4) In cases under Appellate jurisdiction, the Appellate Division has the authority to make and subscribe to a return under the provisions of section 6020 of the Code where taxpayer fails to make a required return.

* * * * *

(d) *Disposition and settlement of cases before the Appellate Division.* * * *

(3) *Cases docketed in the Tax Court.* * * *

(iii) * * *

(*i*) Cases classified as "Small Tax" cases by the Tax Court are given expeditious consideration because such cases are not included on a Trial Status Order. These cases are considered by the Court as ready for placing on a trial calendar as soon as the answer has been filed and are given priority by the Court for trial over other docketed cases. The Tax Reform Act of 1969 provides new rules effective December 30, 1970, for small Tax Court cases. These cases will be designated by the Court as small tax cases upon request of petitioners and will include letter "S" as part of the docket number. Decisions of the Court in these cases are not subject to review by any other court and are not treated as precedents for other cases. See Code section 7463.

PAR. 4. Section 601.201 is amended by redesignating subparagraphs (4), (5), and (6) of paragraph (a) as subparagraphs (5), (6), and (7) and inserting a new subparagraph (4), by revising subparagraphs (1) and (3) of paragraph (b), and subparagraphs (1) and (3) of paragraph (c), by deleting subparagraph (4) of paragraph (d) and by revising subparagraphs (2) and (12) of paragraph (e). These revised provisions read as follows:

§ 601.201 **Rulings and determination letters.**

(a) *General practice and definitions.* * * *

(4) An "opinion letter" is a written statement issued by the National Office as to the acceptability of the form of a master or prototype plan and any related trust or custodial account under sections 401 and 501(a) of the Internal Revenue Code of 1954.

(5) An "information letter" is a statement issued either by the National Office or by a district director which does no more than call attention to a well-established interpretation or principle of tax law, without applying it to a specific set of facts. An information letter may be issued when the nature of the request from the individual or the organization suggests that it is seeking general information, or where the request does not meet all the requirements of paragraph (e) of this section, and it is believed that such general information will assist the individual or organization.

(6) A "Revenue Ruling" is an official interpretation by the Service which has been published in the Internal Revenue Bulletin. Revenue Rulings are issued only by the National Office and are published for the information and guidance of taxpayers, Internal Revenne Service officials, and others concerned.

(7) A "closing agreement," as the term is used herein, is an agreement between the Commissioner of Internal Revenue or his delegate and a taxpayer with respect to a specific issue or issues entered into pursuant to the authority contained in section 7121 of the Internal Revenue Code. Such a closing agreement is based on a ruling which has been signed by the Commissioner or his delegate and in which it is indicated that a closing agreement will be entered into on the basis of the holding of the ruling letter. Closing agreements are final and conclusive except upon a showing of fraud, malfeasance, or misrepresentation of material fact. They may be entered into where it is advantageous to have the matter permanently and conclusively closed, or where a taxpayer can show good and sufficient reasons for an agreement and the Government will sustain no disadvantage by its consummation. In appropriate cases, taxpayers may be required to enter into a closing agreement as a condition to the issuance of a ruling. Where in a single case, closing agreements are requested on behalf of each of a number of taxpayers, such agreements are not entered into if the number of such taxpayers exceed 25. However, in a case where the issue and holding are identical as to all of the taxpayers and the number of taxpayers is in excess of 25, a Mass Closing Agreement will be entered into with the taxpayer who is authorized by the others to represent the entire group. See § 601.202 for closing agreements of the type not covered in this section.

(b) *Rulings issued by the National Office.* (1) In income and gift tax matters and matters involving excise taxes imposed under Chapter 42 of the Code, the National Office issues rulings on prospective transactions and on completed transactions before the return is filed. However, rulings will not ordinarily be issued if the identical issue is present in a return of the taxpayer for a prior year which is under active examination or audit by a district office, or is being considered by a branch office of the Appellate Division. The National Office issues rulings involving qualifications of plans under section 401 of the Code or the exempt status of organizations under section 501 or 521 of the Code, only to the extent provided in paragraphs (o) and (n), respectively, of this section. The National Office will not issue rulings with respect to the replacement of involuntarily converted property, even though replacement has not been made, if the taxpayer has filed a return for the taxable year in which the property was converted. However, see paragraph (c)(6) of this section as to the authority of district directors to issue determination letters in this connection.

* * * * *

(3) In employment and excise tax matters (except excise taxes imposed under Chapter 42 of the Code), the National Office issues rulings with respect to prospective transactions and to completed transactions either before or after the return is filed. However, the National Office will not ordinarily rule with respect to an issue, whether related to a prospective or a completed transaction, if it knows or has reason to believe that the same or an identical issue is before any field office (or any branch office of the Appellate Division) in connection with an examination or audit of the liability of the same taxpayer for the same or a prior period.

* * * * *

(c) *Determination letters issued by district directors.* (1) In income and gift tax matters, and in matters involving excise taxes imposed under Chapter 42 of the Code, district directors issue determination letters in response to taxpayers' written requests submitted to their offices involving completed transactions which affect returns over which they have audit jurisdiction, but only if the answer to the question presented is covered specifically by statute, Treasury Decision or regulation, or specifically by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. A determination letter will not usually be issued with respect to a question which involves a return to be filed by the taxpayer if the identical question is involved in a return or returns already filed by the taxpayer. District directors may not issue determination letters as to the tax consequence of prospective or proposed transactions, except as provided in subparagraphs (5) and (6) of this paragraph.

* * * * *

(3) In employment and excise tax matters (except excise taxes imposed under Chapter 42 of the Code), district directors issue determination letters in response to written requests from taxpayers who have filed or who are required to file returns over which they have audit jurisdiction, but only if the answers to the questions presented are specifically covered by statute, Treasury Decision or regulation, or a ruling, opinion, or court decision published in the Internal Revenue Bulletin. Because of the impact of these taxes upon the business operation of the taxpayer and because of special problems of administration both to the Service and to the taxpayer, district directors may take appropriate action in regard to such requests, whether they relate to completed or prospective transactions or returns previously filed or to be filed.

* * * * *

(d) *Discretionary authority to issue rulings and determination letters.* * * *

(4) [Deleted]

(e) *Instructions to taxpayer.* * * *

(2) Each request for a ruling or a determination letter must contain a complete statement of all relevant facts relating to the transaction. Such facts include names, addresses, and taxpayer identifying numbers of all interested parties; the location of the district office that has or will have audit jurisdiction over the return or report of each party; a full and precise statement of the business reasons for the transaction; and a carefully detailed description of the transaction. In addition, true copies of all contracts, wills, deeds, agreements, instruments, and other documents involved in the transaction must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the taxpayer's statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an active examination or audit of a tax return of the taxpayer already filed. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue

Service file and cannot be returned, the original documents should not be submitted. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

* * * * *

(12) Where a taxpayer has received an adverse ruling under section 367 of the Code, a protest directed to the position upon which the adverse ruling is based will be considered by an informal board established for this purpose by the Assistant Commissioner (Technical). All protests, whether or not there is a conference, will be considered by the board and the board will notify the Income Tax Division of its decision. The taxpayer will be notified by the Income Tax Division of the results of the board's consideration of the protest. This procedure is invoked by a written request directed to the Assistant Commissioner (Technical).

* * * * *

PAR. 5. Section 601.203 is amended by revising paragraph (d) to read as follows:

§ 601.203 Offers in compromise.

* * * * *

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a meeting in the office which would have jurisdiction over his offer to explore the possibilities of compromising unpaid tax liability. After all investigations have been made, the taxpayer may also request a meeting in the office having jurisdiction of his offer to determine the amount which may be accepted as a compromise. If agreement is not reached at such meeting and the district director has processing jurisdiction over the offer, the taxpayer will be informed that he may request a district conference. A written protest is required if the tax, penalty, and assessed (but not accrued) interest sought to be compromised exceeds $2,500 for any return, taxable year or taxable period. If agreement is not reached at the district conference, the taxpayer will be offered an opportunity to request consideration of his case by the regional office of the Appellate Division. Such request may be in writing or oral. If the tax, penalty, and assessed (but not accrued) interest sought to be compromised exceeds $2,500 for any return, taxable year or taxable period, a written protest is required. The procedure in the three preceding sentences does not apply if the offer relates to a tax over which Appellate Division has no authority (see § 601.106(a)(3)). Taxpayers and their representatives are required to fulfill and comply with the applicable conference and practice requirements. See Subpart E of this part.

* * * * *

PAR. 6. Section 601.401 is amended by revising paragraph (a)(5) to read as follows:

§ 601.401 Employment taxes.

(a) *General.* * * *

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* Most employers are required to deposit employment taxes either on a monthly basis, a semimonthly basis or quarter-monthly period basis as follows:

(i) *Semimonthly deposits.* With respect to wages paid during February and March of 1967 or any calendar quarter thereafter through December 31, 1970 and the month of January 1971, special deposits within 3 banking days after the close of a semimonthly period are required if the employee tax deducted and the employer tax under chapter 21, and income tax withheld at sources on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, aggregate more than $2,500 ($4,000 in the case of wages paid after May 1966 and before February 1967) for any month in the preceding calendar quarter. An amount not required to be deposited by this subdivision may nevertheless be directly remitted by the employer with his return, or may be deposited.

(ii) *Quarter-monthly period deposits.* With respect to wages paid after January 31, 1971, if at the close of any quarter-monthly period (that ends on the 7th, 15th, 22nd, or the last day of any month) the aggregate amount of undeposited taxes, exclusive of taxes reportable on Forms 942 and 943, is $2,000 or more, the employer shall deposit such taxes within 3 banking days after the close of such quarter-monthly period.

(iii) *Monthly deposits.* With respect to employers not required to make deposits under subdivision (i) or (ii) of this subparagraph, if after January 31, 1971 (*a*) during any calendar month, other than the last month of a calendar quarter, the aggregate amount of the employee tax deducted and the employer tax under chapter 21 and the income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, exceeds $200 ($100 prior to February 1, 1971), or (*b*) at the end of any month or period of 2 or more months and prior to December 1 of any calendar year, the total amount of undeposited taxes imposed by chapter 21, with respect to wages paid for agricultural labor, exceeds $100, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month.

(iv) *Quarterly and year-end deposits.* Whether or not an employer is required to make deposits under subdivisions (i), (ii), and (iii) of this subparagraph, if the amount of such taxes reportable on Form 941 or 943 (reduced by any previous deposits) exceeds $200 ($100 if return period ends prior to January 1, 1971) the employer shall, on or before the last day of the first calendar month following the period for which the return is required to be filed, deposit such amount with a Federal Reserve bank or authorized commercial bank. However, if the amount of such taxes (reduced by any previous deposits) does not exceed $200 ($100 if return period ends prior to January 1, 1971) the employer may either include with his return a direct remittance for the amount of such taxes or, on or before the last day of the first calendar month following the period for which the return is required to be filed, voluntarily deposit such amount with a Federal Reserve bank or authorized commercial bank.

(v) *Additional rules.* Deposits under subdivisions (i), (ii), (iii), and (iv), of this subparagraph are made with a Federal Reserve bank or a commercial bank authorized in accordance with Treasury Department Circular No. 1079, revised, to accept remittances of these taxes for transmission to a Federal Reserve bank. The remittance of such amount must be accompanied by a Federal Tax Deposit, Withheld Income and FICA Taxes form (Form 501, or Form 511 in the case of Agricultural Employers). Each employer making deposits shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(vi) *Employers under chapter 22 of the Code.* Depositary procedures similar to those prescribed in this subparagraph are prescribed for employers as defined by the Railroad Retirement Tax Act, except that railroad retirement taxes are not required to be deposited semimonthly or quarter-monthly. Such taxes must be deposited by using Form 507, Federal Tax Deposit, Railroad Retirement Taxes.

(vii) *Employers under chapter 23 of the Code.* Every person who is an employer as defined by the Federal Unemployment Tax Act shall deposit the tax imposed under chapter 23 on or before the last day of the first calendar month following the quarterly period in which the amount of such tax exceeds $100. Special rules for calendar years 1970 and 1971 provide that the amount of tax required to be deposited for any calendar quarter or other period shall be reduced (a) by 66⅔ percent if such quarter or period is in 1970 and (b) by 33⅓ percent if such quarter or period is in 1971.

* * * * *

PAR. 7. Section 601.403 is amended by revising paragraphs (a)(5) and (c)(3) to read as follows:

§ 601.403 Miscellaneous excise taxes collected by return.

(a) *General.* * * *

(5) *Highway motor vehicle use.* Subchapter D of chapter 36 of the Code imposes a tax for each taxable year (commencing after June 30, 1956, and ending before October 1, 1977) upon the use, at any time during the taxable year, on the public highways in the United States of any highway motor vehicle which (together with certain semitrailers

and trailers) has a taxable gross weight in excess of 26,000 pounds.

* * * * *

(c) *Collection of tax.* * * *

(3) *Depositary procedures.* Depositary procedures similar to those prescribed for Federal employment taxes, described in § 601.401(a)(5), except for quarter-monthly deposits, are prescribed for miscellaneous excise taxes (except the taxes on the use of highway motor vehicles, wagers, hydraulic mining, and circulation other than of national banks) referred to in paragraph (a) of this section. For information relating to the use of the Form 504, Federal Tax Deposit, Excise Taxes, see the instructions on Form 720, Quarterly Federal Excise Tax Return.

* * * * *

PAR. 8. Section 601.702 is amended by revising paragraph (b)(1)(i) and subparagraphs (2), (6), and (12) of paragraph (d) to read as follows:

§ 601.702 **Publication and public inspection.**

* * * * *

(b) *Public inspection and copying—*(1) *In general.* * * *

(i) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases, such as opinions and orders by the Alcohol, Tobacco, and Firearms Division pursuant to § 200.116 of this chapter in administrative procedures on applications for, or to suspend, revoke, or annul, permits under the alcohol, alcoholic beverages, and tobacco permit systems, and § 178.78 of this chapter on administrative procedures relating to licenses;

* * * * *

(d) *Rules for disclosure of certain specified matters.* * * *

(2) *Information as to persons filing income tax returns.* Information as to whether any person has filed an income tax return for a particular taxable year will be furnished to an inquirer. See section 6103(f).

* * * * *

(6) *Information returns of certain tax-exempt organizations and certain trusts.* Information furnished on Form 990, Form 1041–A, and on the Annual Report by private foundations pursuant to sections 6033, 6034, and 6056, which are filed after December 31, 1969, is available for public inspection for a 4-year period. This information shall be available for public inspection in the office of the Director, Public Information Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, as well as in the office of a district director or Director of the Mid-Atlantic Regional Service Center. See section 6104(b) and § 301.6104–2 of this chapter.

* * * * *

(12) *State liquor, tobacco, firearms, and explosive cases.* Assistant regional commissioners (alcohol, tobacco and firearms) or the Director, Alcohol, Tobacco and Firearms Division, may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, firearms, or explosives cases in which the State is a party, produce records, and testify as to facts cial capacities: *Provided,* That such production or testimony will not divulge information contrary to section 7213, nor divulge information subject to the restrictions in section 5848. See also § 301.9000–1(f) of this chapter and 18 U.S.C. 1905.

* * * * *

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71–5597 Filed 4–21–71;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70–79a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Elizabeth River, N.J.

Correction

In F.R. Doc. 71–5246 appearing at page 7132 in the issue of Thursday, April 15, 1971, in § 117.225 the paragraph "(b)" designation before the text of subparagraph (3) should read paragraph "(f)".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

Disaster Relief

Section 221.9, Part 221, Title 36 of Code of Federal Regulations, as amended in the FEDERAL REGISTER, Vol. 35, No. 37 page 3283, dated February 21, 1970, is revised to read as follows:

§ 221.9 **Disaster relief.**

This section is to implement the provisions of sec. 242 (a), (b), and (c) of the Disaster Relief Act of 1970 (84 Stat. 1756) which relate to contracts for the sale of National Forest timber in connection with areas damaged by major disaster as designated by the President pursuant to the Act.

(a) Where an existing contract for the sale of National Forest timber does not provide relief from major physical change not due to purchaser's negligence prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster in a designated area a major physical change results in additional construction work by the purchaser in connection with such a road or facility, the United States shall bear such increased construction cost if, as determined by the Chief, Forest Service, the estimated cost is (1) more than $1,000 for sales under 1 million board feet, or (2) more than $1 per thousand board feet for sales of 1 to 3 million board feet, or (3) more than $3,000 for sales over 3 million board feet.

(b) Where the Chief, Forest Service, determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement in paragraph (a) of this section, he may allow cancellation of the contract notwithstanding provisions therein or in section 221.17.

(c) The Chief, Forest Service, is authorized to reduce to 7 days the minimum time to advertise the sale of National Forest timber whenever he determines that (1) the sale of such timber will assist in the construction of any area of a State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) Any request for relief under paragraphs (a) or (b) of this section shall be made in writing to the Forest Supervisor having administrative responsibility for the land involved.

(30 Stat. 34, 35, as amended, 16 U.S.C. 551, 476; 84 Stat. 1756)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (4–22–71).

Dated: April 16, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–5630 Filed 4–21–71;8:50 am]

PART 221—TIMBER

Export Restrictions

Section 221.25, Part 221, Title 36 of Code of Federal Regulations, is amended to read as follows:

§ 221.25 **Timber export restrictions, requirements for domestic processing.**

The regulations in this section are to implement the provisions of Part IV of the Foreign Assistance Act of 1968 (82 Stat. 966) which amends the Act of April 12, 1926 (16 U.S.C. 616), and limits the amount of unprocessed timber which may be sold for export from Federal lands located west of the 100th Meridian to not more than 350 million board feet for each of the calendar years 1969 through 1973, inclusive. * * *

* * * * *

(b) Unprocessed timber from National Forest System lands located west of the

100th Meridian shall not be sold for export from the United States during the period January 1, 1969, through December 31, 1973, except that such timber may be sold for export from the United States as follows:

* * * * *

(30 Stat. 34, 16 U.S.C. 475; 44 Stat. 242, 82 Stat. 966, 84 Stat. 1817, 16 U.S.C. 616–617)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (4–22–71).

CLIFFORD M. HARDIN,
Secretary of Agriculture.

APRIL 16, 1971.

[FR Doc.71–5631 Filed 4–21–71;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

AUTOMOBILES OR OTHER CONVEYANCES

Section 3.808 is revised to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding $2,800 and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b), and (c) of this section.

(a) *Service.* The claimant must have had active military, naval or air service during one of the periods specified in subparagraph (1) or (2) of this paragraph, as applicable.

(1) As to a veteran not serving on active duty at the time of application, the active service must have been during one of the following:

(i) World War II,

(ii) The Korean conflict,

(iii) Any period on and after February 1, 1955, including the Vietnam era;

(2) As to a member of the Armed Forces serving on active duty at the time of application, the member must have had active service during one of the following:

(i) World War II,

(ii) The Korean conflict,

(iii) Any period on and after February 1, 1955, other than the Vietnam era,

(iv) The Vietnam era.

(b) *Disability.* (1) One of the following must exist and be the result of injury or disease incurred or aggravated during one of the periods specified in paragraph (a) of this section:

(i) Loss or permanent loss of use of one or both feet;

(ii) Loss or permanent loss of use of one or both hands;

(iii) Permanent impairment of vision of both eyes: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20° in the better eye.

(2) Veterans not serving on active duty must be entitled to compensation for the disability. As to any claimant the disability must be service connected in accordance with usual criteria. (See §§ 3.1 (m) and (n), 3.301–3.310).

(3) As to disease or injury incurred or aggravated during the periods specified in paragraph (a)(1)(iii) and (2)(iii) of this section, it must be shown to be the direct result of the performance of military duty. This requirement will be met if the disease or injury is directly related to the performance of such duty. It must be shown that it is reasonable to expect that the disease or injury would not have been incurred if the individual had not been performing active service.

(c) *Claim for a conveyance.* A specific application for financial assistance in purchasing a conveyance is required which must contain a certification by the claimant that the conveyance will be operated only by persons properly licensed. The application will also be considered as an application for the adaptive equipment specified in paragraph (d)(1) of this section or deemed necessary by the Chief Medical Director or his designee to insure that the claimant will be able to operate the conveyance in a manner consistent with safety to himself and to satisfy the applicable standards of licensure of the proper licensing authorities. There is no time limitation in which to apply. An application by a claimant on active duty will be deemed to have been filed with the Veterans Administration on the date it is shown to have been placed in the hands of military authority for transmittal.

(d) *Certifications for adaptive equipment and for services thereto.* (1) Simultaneously with the certification provided pursuant to the preamble of this section, a claimant for financial assistance in the purchase of an automobile will be furnished a certificate of eligibility for financial assistance in the purchase of such adaptive equipment specified in paragraphs (e) (1) and (2) of this section as may be appropriate to his losses unless the need for such equipment is contraindicated by his physical or legal inability to operate the vehicle.

(2) Upon application further equipment needed and desired by the claimant may be authorized upon certification by the Chief Medical Director or his designee that such equipment is necessary for the operation of the conveyance in a manner consistent with safety and in accordance with the standards of licensure of the proper licensing authority.

(3) Payment of amounts for the reasonable costs of providing necessary adaptive equipment and the reasonable costs of necessary repair, replacement and feasible reinstallation of any adaptive equipment deemed necessary under this section, shall be made upon application by the claimant and certification by the Chief Medical Director or his designee.

(4) Adaptive equipment, and services thereto, shall not be provided a claimant for more than one conveyance at a time.

(e) *Definition.* The term, "adaptive equipment," means generally, that equipment which must be part of or added to a conveyance manufactured for sale to the general public to make it safe for use by the claimant and to assist him in meeting the applicable standards of licensure of the proper licensing authority.

(1) With regard to automobiles and similar vehicles the term includes a basic automatic transmission as to a claimant who has lost or lost the use of a limb, power steering as to one who has lost or lost the use of a hand or has lost or lost the use of both feet, and power brakes as to one who has lost or lost the use of a foot.

(2) With regard to automobiles and similar vehicles the term includes such items of equipment as the Chief Medical Director may, by directive, specify as ordinarily necessary for any of the classes of losses specified in paragraph (b) of this section and for any combination of such losses. Such specifications of equipment may include a limit on the financial assistance to be provided based on judgment and experience.

(3) The term also includes other equipment which the Chief Medical Director or his designee may deem necessary in an individual case.

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

This VA Regulation is effective January 11, 1971.

Approved: April 16, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–5613 Filed 4–21–71;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Hearings and Appeals Procedures

Corrections

In F.R. Doc. 71–5138 appearing at page 7185 in the issue for Thursday, April 15, 1971, the following changes should be made:

1. In the third line of § 4.108(b) the word "either" should be inserted between the words "permit" and "party".

2. The fifth line of the authority citation immediately following the Subpart D heading on page 7192, now reading "Stat. 1012, 1022; 25 U.S.C. 372, 373, 374, 373a," should read "Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a,".

3. The fifth line of § 4.203(c), now reading "persons, by reason of unexplained ab-", should read "person, he shall issue a decision to that".

4. Paragraphs (c) and (d) appearing immediately after the heading for § 4.233 should be transferred to appear immediately following § 4.232(b).

5. The word "on" in the third line of § 4.240(b) should read "or".

6. In the 13th line of § 4.271 a comma should be inserted immediately after the word "attending".

7. The word "issue" in the first line of § 4.272(a) should read "issuance".

8. The word "applicant" in the first line of § 4.291(a) should read "appellant".

9. The word "review" in the first line of § 4.651(h) should read "reviewing".

10. In § 4.660 the word "a" should be inserted between the words "have" and "right".

11. In the eighth line of § 4.700 and in the fourth line of § 4.703 the word "this" should read "his" in both cases.

Chapter I—Bureau of Reclamation, Department of the Interior

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

Hearings and Appeals Procedures

Correction

In F.R. Doc. 71-5139 appearing on page 7207 in the issue for Thursday, April 15, 1971, the 11th line of § 230.115 should appear as follows: "ing to Other Appeals and Hearings, are".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19139; RM-1653; FCC 71-415]

PART 73—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations; Table of Assignments

1. The Commission here considers the Notice of Proposed Rule Making in Docket No. 19139, adopted January 20, 1971, to amend the TV Table of Assignments (§ 73.606(b) of the rules) insofar as concerns reassignment of UHF channels in Ohio in various respects (FCC 71-61; 36 F.R. 1428). The notice was prompted by the petition of the Ohio Educational Television Network Commission (OETNC or Network Commission) to reassign three channels. Because the proposed reassignments are within 250 miles of the United States-Canadian border, approval by Canada was sought and obtained under the terms of the Canadian-U.S.A. Television Agreement of 1952. Those filing comments and/or reply comments are OETNC; Association of Maximum Service Telecasters, Inc. (AMST); Kent State University; and Educational Television Association of Metropolitan Cleveland (ETAMC), licensee of Station WVIZ-TV, Channel *25, Cleveland, Ohio.

2. As our notice pointed out, the OETNC is a permanent State agency created by the Act of General Assembly of the State of Ohio to own and operate, contract to provide transmission and inter-connection facilities, and take other steps for a statewide educational network and distribute educational programs throughout that network. (See Chapter 3353 of the Ohio Code.) The legislation authorized the Network Commission to help plan for expansion of educational television in the State of Ohio; one of the objectives of this legislation and the Network Commission's primary functions is to provide at least one educational television service to each person in Ohio, and to aid the Ohio Board of Regents to distribute funds appropriated for ETV use.

3. By way of further background, there are eight operating educational stations in Ohio all affiliated with the Educational Network Commission. Stations WVIZ-TV, Cleveland; WCET-TV, Cincinnati; and WGTE-TV, Toledo, are community sponsored[1] while the others are operated by various educational institutions. The latter include Stations WOUB-TV, Athens (Ohio University); WBGU-TV, Bowling Green (Bowling Green State University); WOSU-TV, Columbus (Ohio State University); WMUB-TV, Oxford (Miami University); and WGSF, Newark (Public School District of Newark). The rule making is part of an overall plan to aid the Board of Regents to distribute approximately $5.5 million by June 30, 1971, to extend network operational facilities of the network distribution center at Columbus and activate five stations. The five stations are slated for Dayton, Portsmouth, Alliance, "Bryan", and "Woodsfield"; the OETNC has applied for construction permits for Channel *42 at Portsmouth (BPET-370) and Channel *45 at Dayton (BPET-399) and it has tendered applications for the other three communities. However, as to the latter three, the rule making is needed in order to make the following changes sought by OETNC:

(a) Reallocate Channel 45 from Youngstown to Alliance and reserve it as a noncommercial educational channel;

(b) Reallocate Channel *27 from Bryan to Bowling Green-Lima; and

(c) Redesignate the place of assignment of Channel *44 from Woodsfield to Cambridge-Woodsfield.

4. The notice indicated our lack of enthusiasm for hyphenated assignments and proposed that Channel *44 be reassigned to Cambridge, inasmuch as the proposed transmitter site is nearer to that community; and also proposed that Channel *27 be assigned to Bowling Green, for the same reason and in view of the additional fact that the proposed station would not place a principal city grade signal over Lima. In the latter respect, OETNC's comments reveal its intention to increase power of the Bowling Green station so that Lima would receive a principal grade signal; for reasons which will be discussed later, it also counterproposed the reassignment of Lima's Channel *57 to Bowling Green. Change of transmitter site is also necessary with respect to the Alliance station because of FAA considerations; the Network Commission says that it will modify that application to specify a site 12 miles east (near Salem, Ohio). Our Notice also pointed out some of the historical background as concerns the petitions and applications for channels in and around Youngstown, and the many problems which would be solved by a station at Alliance to be operated by a consortium representing Youngstown State University, Kent State University, and the University of Akron. It is contemplated that the other four new stations would be similarly operated by educational institutions: the Portsmouth station will be licensed to Ohio State University; the Cambridge station would be licensed to Ohio University; the Bowling Green station would be licensed to Bowling Green University; and the Dayton station would be licensed and operated by a consortium consisting of Miami University; Wright State University, and Central State University.

5. The comments of AMST are directed only at the proposed reassignment of Channel *44 to Cambridge. AMST notes that this channel is also assigned as a "commercial" assignment at Lima, Ohio, unoccupied and that there would be a 12.4 mile cochannel shortage between the Cambridge and Lima reference points. AMST, however, recognizes that there would be no such problem from the transmitter site proposed in the application for the educational construction permit (16 miles northeast of Cambridge and about 25 miles from Woodsfield). AMST requests that if the reassignment is made to Cambridge that it be conditioned on use at a site meeting all mileage separation requirements, which it deems reasonable in serving the public interest in the light of petitioner's representations and the importance of Commission's rules as to mileage separations. A condition to this effect is unnecessary, inasmuch as the proposed transmitter site would comply with the rules. Should the situation change, then AMST may raise the issue at that time.

6. Kent State University's comments are directed at the proposed Alliance reassignment. In this respect, Kent State refers to the background and history of the conflicting rule making proposals and applications of Kent State, the University of Akron, and Youngstown State University to provide ETV service for the

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[1] WVIZ-TV is licensed to the Educational Television Association of Metropolitan Cleveland. WCET-TV is licensed to the Greater Cincinnati Television Educational Foundation; and the Greater Toledo ETV Foundation is the licensee of WGTE-TV.

northeastern part of Ohio. Kent State refers to the withdrawal of its pending petition for rule making and its application for construction permit, and that it will participate in operation of the Alliance station when built (see paragraph 4, above). Kent State concludes:

"The assignment of Channel *45 to Alliance, as proposed in this proceeding, the construction of the transmittal facilities as proposed in the pending application of OETNC, and the proposal to license the facility to a consortium of educational interests, including Kent State University, will clearly serve the public interest * * * Kent State University, therefore, fully supports the proposal in the instant proceeding to assign Channel *45 to Alliance, Ohio, and to reserve it for noncommercial educational television service. (Comments, p. 3.)

Kent State's comments also point out how this will be an extension of its prior efforts to provide educational television service on the campus; in sum it supports the proposal to assign Channel *45 to Alliance.

7. The Educational Television Association of Metropolitan Cleveland (ETAMC), license of Station WVIZ–TV, Channel *25, Cleveland, Ohio, filed comments directed at the Alliance proposal. This party's concern is that the proposed Alliance station would affect its operation in view of the substantial overlap between the contours of Station WVIZ–TV and the proposed Alliance operation.[3] Nonetheless, ETAMC does not oppose the Alliance proposal. Rather it seeks assurances that the Ohio Network Commission proposal would not adversely affect the viability and strength of its own community-sponsored educational station. Obviously, the overlap would have some impact in this respect, but we do not detail these contentions because they are not relevant to rule making, as evidenced by ETAMC's approval of the reassignment.

8. The Network Commission filed both comments and reply comments. The reply comments are directed particularly at the arguments of ETAMC, and we discuss them first. OETNC endeavors to reassure ETAMC to the extent possible, but it is also urged that the overlap is not as extensive as ETAMC has urged.[3]

In any event, the Network Commission states that its proposal was not intended to impair or dilute the viability or effectiveness of Cleveland's Station WVIZ–TV, but rather the Alliance station is intended to serve the communities of Youngstown, Akron, Canton, and Warren, thus providing an outlet for the Youngstown State University, Kent State University, and the University of Akron. It is contended that the fact that the Cleveland station also serves these areas is beside the point. Little purpose would be served by a further discussion of these contentions, for, as pointed out above, these are not matters of concern as to rule making. Indeed, it appears that ETAMC specifically supports the reallocation of Channel 45 from Youngstown to Alliance and the designation of that channel for educational noncommercial use.

9. We now turn to OETNC's comments. In its initial comments, the Network Commission details the background and history of its operations in Ohio, much of which has been referred to above in paragraph 4, and no further discussion is necessary. The only other matter is the Network Commission's counterproposal that Channel *57 from Lima be reassigned to Bowling Green in lieu of the notice's Channel *27 proposal (from Bryan to Bowling Green). It appears that this counterproposal is an attempt by the Network Commission to mollify objections of ETV Station WGTE–TV, Channel *30, Toledo, which has expressed concern about viewer confusion because of the proximity of the two frequencies on the dial. We are not impressed with this contention. Indeed, the Greater Toledo ETV Foundation filed no comments itself. Furthermore, if the Network Commission now desires to use Lima's Channel *57 for the northeastern Ohio station instead of Channel *27, it appears that it may do so by merely amending its application to specify that channel rather than Channel *27, since apparently it plans to increase power to place a principal city signal over both Lima and Bowling Green.[4]

10. The Network Commission supported the Commisison's proposal to allocate the channels on a nonhyphenated basis. The OETNC's comments in this respect point out that its rule making was filed at least several months prior to the applications when there was some uncertainty about the exact transmitter site locations.

11. As pointed out in our notice, the purpose of the proposed changes under consideration here is to permit the Ohio Network Commission to proceed with its overall plan for an ETV network in Ohio. The Alliance proposal is intended as a solution for a rather complicated situation involving many educational institutions and to provide the northeastern part of Ohio with full educational service. As already noted, ETAMC, licensee of Station WVIZ–TV, Cleveland, while seeking assurances of one sort or another does not oppose the reassignment. As also noted in our notice, the other two reassignments were based on moving the channels to points away from the borders of the State and nearer the actual transmitter sites applied for. It is abundantly clear that the proposed reallocations would serve the public interest, convenience, and necessity.

12. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended.

13. In accordance with the foregoing; *It is ordered*, That effective May 28, 1971, the TV Table of Assignments (§ 73.606(b) of the rules) is amended as concerns the Ohio cities named below to read as follows:

City	*Channel No.*
Ohio:	
Bryan	——
Bowling Green	*27, *70
Woodsfield	——
Cambridge	*44
Youngstown	21, 27, 33, *58
Alliance	*45

14. *It is further ordered*, That this proceeding is terminated.

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

Adopted: April 14, 1971.

Released: April 19, 1971.

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

[FR Doc.71–5627 Filed 4–21–71;8:50 am]

[Docket No. 18882; FCC 71–416]

PART 73—RADIO BROADCAST SERVICES

Certain Television Broadcast Stations; Table of Assignments

1. On June 17, 1970, the Commission on its own motion adopted a notice of proposed rule making, released June 19, 1970 (FCC 70–638), in the above-entitled matter which proposed the shift of Channel 23 from Philadelphia, Pa., to Camden, N.J. and its reservation for noncommercial educational service, the assignment of Channel *36 as a noncommercial educational frequency to Atlantic City, N.J., and de-reservation of Channel *57 at Philadelphia to make it available for either commercial or educational use in that city. The proposal was made in view of the adverse impact of our actions

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[3] While these contentions are contested by OETNC, ETAMC asserts the overlap is as follows: the Alliance station's principal-city signal contour overlaps approximately one-third of the principal city contour of WVIZ–TV. ETAMC points out that this overlap would not be as great using the revised propagation curves under consideration by the Commission in Docket No. 16004. It is also noted that the other two community-supported educational stations—WCET–TV, at Cincinnati, and WGTE–TV, at Toledo—would be overlapped by a greater extent than WVIZ–TV; neither filed comments.

[3] For one thing, the Network Commission apparently now proposes a new transmitter site for the Alliance station some 12 miles east of the one referred to in the notice near Salem, Ohio. The reason for this change relates to FAA approval of antenna height. OETNC also relies on the propagation curves proposed in Docket No. 16004.

[4] By letter, dated Jan. 22, 1971, the Defiance Area Chamber of Commerce advised the Commission of its interest in reassigning Channel 27 from Bryan to Defiance, Ohio. Because the notice in this proceeding had already been adopted, we are treating this letter as comments. Aside from the fact that the comments are lacking in many respects, suffice it to say there is no basis for such a reallocation. The 1970 population of Defiance is 16,281 (1970 Census); moreover, Channel 65 has been assigned to that community since 1965 and is vacant. In the circumstances, we see no reason for the addition of another channel to that community.

taken in Dockets Nos. 18261 and 18262 (the land mobile decisions) on noncommercial educational assignments in New Jersey.

2. Interested parties were afforded an opportunity after numerous extensions of time to file final comments on or before October 26, 1970, and to reply to such comments on or before November 23, 1970. Timely comments and/or reply comments were filed by: the Land Mobile Communications Council (LMCC); Commonwealth of Pennsylvania, Department of Education (Penn); Philco-Ford Corp. (Philco); Taft Television Corp., licensee of UHF Channel 29, WTAF–TV, Philadelphia, Pa. (Taft); Tri-State Instructional Broadcasting Council, prospective educational applicant for Channel *57 at Philadelphia, Pa. (Tri-State); Vue-Metrics, Inc., commercial applicant for UHF Channel 23 at Philadelphia, Pa., BPCT–4368, filed on June 30, 1970 (Vue-Metrics); Christian Broadcasting Network, Inc., prospective commercial applicant for either 23 or *57 in Philadelphia, Pa. (Christian Broadcasting); the New Jersey Public Broadcasting Authority, educational applicant for Channel *23 at Camden, N.J., BPCT–4363, filed on June 16, 1970 (Authority); and the Jersey Cape Broadcasting Corp., licensee of WCMC–TV, UHF Channel 40, Wildwood, N.J. (Jersey Cape).

3. Two of the three cities involved in this rule making proceeding, Philadelphia (population of city and county 1,927,863) and Camden (respective populations of city and county 102,551 and 456,291), are located in the Philadelphia Standard Metropolitan Statistical Area, which contains 4,777,414 residents.[1] Philadelphia has assigned to it television Channels 3, 6—, 10, 17, 23, 29, *35, and *57. All of these channels are occupied except for Channel 23 (which has a commercial and an educational applicant, ibid) and Channel *57 (which has a prospective commercial and a prospective educational applicant, ibid).[2] Channels *18, which has been "frozen" in view of our land mobile decision in Docket No. 18261, and 53, which has a construction permit outstanding for its use, are both assigned to Atlantic City with a population of 47,859, located in Atlantic County which has 175,043 residents. Camden has no television assignments at the present time.

PROPOSED ASSIGNMENTS OF CHANNELS 23 AND 36

4. In view of the first segment of the notice's proposal to reassign Channel 23 from Philadelphia to Camden and reserve it for noncommercial educational use and to assign reserved Channel *36 to Atlantic City as well as the conflicting applications of Vue-Metrics and the Authority for Channel 23, ibid, Vue-Metrics, after final amendment, has proposed the following alternative allocation plan: retain Channel 23 in Philadelphia as a commercial assignment; assign Channel 40 from Wildwood to Camden as a reserved assignment; replace Channel 40 in Wildwood with Channel 36 as a commercial assignment and assign Channel *30 to Atlantic City as a reserved assignment.

5. Jersey Cape, which is the licensee of WCMC–TV on Channel 40 at Wildwood, vigorously opposes the alternative proposal, notwithstanding the additional assignment it gains, i.e., Channel 40 at Camden, pointing out that it would have to shift its operation on Channel 40 at Wildwood to the new Channel 36. It maintains that the shift would not only disturb viewing patterns in the Wildwood area but would be very expensive. In brief it suggests that in excess of the estimated amount of $50,000 would have to be expended to accomplish the channel change. It indicates that such an expenditure and the disruption of viewing patterns can both be avoided by a simple adoption of the proposal set forth by the Commission. The Authority joins Jersey Cape in its position, indicating that the only purported reason given by Vue-Metrics in advancing its alternative proposal, i.e., the avoidance of a comparative hearing for a de-reserved Channel *57 (which would be required between Vue-Metrics and Tri-State in the event of the shift of Channel 23 from Philadelphia to Camden and its reservation) is not valid in that Christian Broadcasting too has indicated that it would apply for Channels 23 or *57, whichever one remains open for commercial applicants in Philadelphia.

6. After carefully examining the pleadings in this proceeding and the variety of considerations before us, we have come to the conclusion that Jersey Cape and the Authority are correct in their positions. In the first event, the adoption of the Commission's proposal, there will be a comparative hearing for Channel *57 since it will be the single commercial channel open for application in Philadelphia after this rule making proceeding, by Vue-Metrics, Christian Broadcasting and Tri-State (which wishes to use Channel *57 as an educational station in Philadelphia): in the second event, if the alternative plan of Vue-Metrics is adopted, continuing Channel 23 as the sole "commercial" channel open in Philadelphia (Channel *57 continuing to be reserved for educational use by Tri-State and Penn) there will be a comparative hearing for the use of Channel 23 by Vue-Metrics, Christian Broadcasting and the Authority.[3] The Commission's proposal, although no better than Vue-Metrics' proposal in respect to avoidance of a comparative hearing for the use of a commercial channel in Philadelphia, does accomplish the public interest purpose of this rule making, i.e., the provision of two educational television channels, to serve southern New Jersey without disturbing any established broadcaster or involving Jersey Cape and the Commission in a lengthy second hearing which could be involved in a show cause order concerning switching Jersey Cape's service from Channel 40 to Channel 36 at Wildwood. We have on occasion in FM allocations required FM licensees to shift their operations from an existing channel to a newly assigned channel, in order to advance the public interest. There is no such precedent in UHF television primarily because of the substantially larger amount of costs involved[4] as well as the very weak position of UHF television from a competitive view. In this instance we cannot find that it is in the public interest to require Jersey Cape (considering all the factors involved) to shift its operation at Wildwood to a newly assigned Channel 36. We wish to note however that our refusal to do so in this case in no way is a final precedent barring such action in UHF television matters involving other circumstances. Another basic consideration in this proceeding which must be noted is the length of delay a show cause hearing involving Jersey Cape would bring to the plans of the Authority to initiate educational service to southern New Jersey. Jersey Cape has made a point of reserving all of its hearing rights in respect to any possible shift of its operation to a new channel. In the overall view it is the Commission's judgment that the development of educational television in New Jersey has already been too long delayed by a variety of factors including the land mobile decision in Dockets Nos. 18261 and 18262. Of course, by rejecting Vue-Metrics alternative allocation plan, we in no way decry the subscription television service it proposed for Philadelphia or the need of Philadelphia for additional commercial service.

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*12, assigned to Wilmington, Del., also serves the complex. It has recently been authorized to move its transmitter to the Philadelphia antenna farm and is now undertaking that move.

[1] All population statistics cited are from the preliminary reports of the 1970 U.S. Census.

[2] WKBS–TV is licensed to operate on Channel 48, assigned to Burlington, N.J. It serves the Delaware Valley complex from a transmitter site located on the Philadelphia antenna farm. WHYY–TV, a noncommercial educational station operating on Channel

[3] Under the Commission's 15-mile rule the Authority could have its present application for Channel 23 for use at Camden heard by the Commission in any comparative hearing between it and Vue-Metrics. There is, of course, no bar to the Authority using Channel 23 as an educational service simply because it is not reserved.

[4] In FM proceedings the party benefiting from the required shift of an operation from an existing channel to a newly assigned channel normally is required to pay the cost of such a shift. In this instance the same procedure would be adopted if we found that it was in the public interest to have Jersey Cape shift its operation. The pleadings indicate that Jersey Cape's shift from UHF Channel 40 to UHF Channel 36 would involve a significantly larger amount of funds than are involved in FM matters. They also indicate that there is a substantial difference of cost evaluation for the shift between Vue-Metrics and Jersey Cape.

7. Although all of the participants in this proceeding except Vue-Metrics have concurred in the above reservation of Channel *23 at Camden, we assume, in view of our so doing, the Vue-Metrics now along with each of the other participants in this proceeding will have no objection to our assigning Channel *36 to Atlantic City for noncommercial educational use. Our actions of assigning Channel *23 to Camden and Channel *36 to Atlantic City go a substantial distance toward advancing the Authority's goal of bringing cultural and informational programing to the southern half of New Jersey. We will be taking action in regard to northern New Jersey in Docket No. 18862 shortly.

PROPOSED USE OF CHANNEL *57

8. There are three objectors to de-reservation of Channel *57 at Philadelphia: Penn, which supports Tri-State's proposed instructional use of the channel, Tri-State and Taft. We will first discuss the Taft position. It is its view, after supporting the shift and reservation of Channel 23, that Channel *57 should continue to be a noncommercial educational station both because of its prospective use for that purpose and because of the competition between the commercial television stations located in Philadelphia. We realize that Philadelphia is a highly competitive television market and that the three VHF television stations serving the community are associated with the three national networks. Of course the UHF stations therefore are at a disadvantage in regard to access to programing, the key factor in drawing an audience which in turn draws advertising revenue. Philadelphia, however, is such a large market (see Paragraph 3 above) that in our view it certainly will be able to in time give ample support to the number of commerical services presently broadcasting to the metropolitan complex. One possible path for the existing UHF stations in a market of this size is to do selective programing directed to subcultures. On the overall view, in this proceeding, it is our belief that it will be most prudent to avoid making allocation decisions on economic issues. It has been our policy to determine such matters at the time of application. We adhere to that policy.

9. In its comment Tri-State voices its intention to apply for Channel *57 at Philadelphia as an "educational" station and therefore prays its continued reservation. It is Tri-State's clear and underlined intention to simply use the Channel *57 facility as a network or transmitting center to serve smaller ITFS systems in the area. It states that the Channel *57 facility will be used solely by it to interconnect ITFS systems, providing programing directed in its entirety toward in-school consumption. Although we do not here propose to determine the successful applicant for Channel 57, we wish to point out the following without prejudice to any application Tri-State files for the channel. The concept of a reserved noncommercial educational station, or what has become to be called Public Broadcasting Service is that of a facility with the technical potential for serving a mass audience, providing, not solely in-school training, but instead, broad cultural and informational programing of the nature not available on commercial television stations. The reserved channels set aside in § 73.606 of the Commission's rules are in no way intended to be used solely to carry out the function of in-school training—for that task we have set aside the Instructional Television Fixed Service frequencies. Contrary to the information set out by Tri-State, 28 of the 31 channels contained in the 2500–2690 MHz band are presently available for application in the Instructional Television Fixed Service. Indeed, Tri-State may wish to apply for a true Instructional Television Fixed Service channel in that operation on such a channel may very well accomplish its goal more economically. In light of the comments and reply comments in this proceeding, and the material set out above, we have come to the judgment that the public interest would best be served by de-reserving Channel *57 in Philadelphia and making it available to both commercial and educational applicants.

10. On the overall view the action we take in respect to Channel 23, i.e., reserving it for noncommercial educational use in Camden, and Channel *57, de-reserving it and making it available for commercial use in Philadelphia, continues the balance of commercial and noncommercial stations in the Philadelphia metropolitan area as it was preceding the institution of this rule making proceeding. The citizens of the Delaware Valley including Philadelphia (with its present noncommercial educational operation on Channel *35) will continue to have the potential of a new educational service on Channel *23 located at Camden and a new commercial service, be it a standard commercial station or a subscription television station, on Channel 57 located in Philadelphia proper. We take our actions in Philadelphia and Camden and Atlantic City in southern New Jersey (providing southern New Jersey with a new opportunity for noncommercial educational television at Atlantic City as well as Camden) as advancing the public interest, convenience and necessity.

11. Authority for the actions we take herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

12. *Accordingly, it is ordered,* That effective May 28, 1971, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	*Channels Nos.*
Atlantic City, N.J.	[5] *18, *36, 53
Camden, N.J.	*23
Philadelphia, Pa.	3, 6–, 10, 17, 29, *35, 57

[5] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

13. *It is further ordered,* That the application of Vue-Metrics, Inc., for Channel 23 at Philadelphia, Pa. (BPCT-4368), filed with this Commission on June 30, 1970 (after the commencement of this rule making proceeding), is dismissed, unless amended to specify an existing nonreserved assignment, on or before 30 days after the effective date of the reallocations specified in this order.

14. *It is further ordered,* That this proceeding (Docket No. 18882) is terminated.

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

Adopted: April 14, 1971.

Released: April 19, 1971.

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

[FR Doc.71-5628 Filed 4-21-71;8:50 am]

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 4]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Use of Funds

Regulations for the operation of the National School Lunch Program (35 F.R. 753, 35 F.R. 3900, 35 F.R. 14061, 36 F.R. 1246) are hereby further amended. In § 210.7, paragraph (a) is revised to read as follows:

§ 210.7 Use of funds.

(a) Federal funds made available for general cash-for-food assistance and special cash assistance under the Program shall be used to reimburse School Food Authorities in connection with lunches served to children of high school grade or under in accordance with the provisions of this part: *Provided, however,* That, with the approval of FNS, any State Agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than one per centum of the sum of the Federal funds initially apportioned to it for any fiscal year, beginning with the fiscal year 1971, for general cash-for-food assistance and special cash assistance.

* * * * *

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–22–71).

Approved: April 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-5632 Filed 4-21-71;8:51 am]

[Amdt. 4]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Use of Funds

Regulations for the operation of the Special Milk Program for Children (32 F.R. 12587, 34 F.R. 807, 35 F.R. 3900, 35 F.R. 18953) are hereby further amended. Section 215.6 is revised to read as follows:

§ 215.6 Use of funds.

Federal funds made available under the Program shall be used to encourage the consumption of milk through reimbursement payments to schools and child-care institutions in connection with the purchase of milk for service to children in accordance with the provisions of this part: *Provided, however,* That, with the approval of FNS, any State Agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than 1 per centum of the initial apportionment of Federal funds so made available for any fiscal year, beginning with the fiscal year 1971.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–22–71).

Approved: April 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5633 Filed 4–21–71;8:51 am]

[Amdt. 7]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Use of Funds

Regulations for the operation of the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (32 F.R. 33, 32 F.R. 13215, 33 F.R. 14513, 33 F.R. 15631, 34 F.R. 807, 35 F.R. 3901, 36 F.R. 3043) are hereby further amended. Sections 220.6 and 220.15 are revised to read as follows:

§ 220.6 Use of funds.

Federal funds made available under the School Breakfast Program shall be used to reimburse schools in connection with breakfasts served to needy children of high school grade or under in accordance with the provisions of this part: *Provided, however,* That, with the approval of FNS, any State Agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than 1 per centum of the sum of the Federal funds initially apportioned to it for any fiscal year, beginning with the fiscal year 1971, for the School Breakfast Program.

§ 220.15 Use of funds.

Federal funds made available for the Nonfood Assistance Program shall be used to reimburse schools drawing attendance from areas in which poor economic conditions exist, that have no equipment or grossly inadequate equipment, in connection with the cost of equipment to establish, maintain, and expand school food service programs, in accordance with the provisions of this part: *Provided, however,* That, with the approval of FNS, any State Agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than one per centum of the sum of the Federal funds initially apportioned to it for any fiscal year, beginning with the fiscal year 1971, for the Nonfood Assistance Program.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–22–71).

Approved: April 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5634 Filed 4–21–71;8:51 am]

[Amdt. 2]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Use of Funds

Regulations for the operation of the Special Food Service Program for Children (35 F.R. 6255, 35 F.R. 7777) are hereby further amended. In § 225.6, paragraph (a) is revised to read as follows:

§ 225.6 Use of funds.

(a) Federal funds made available for the Program shall be used to reimburse service institutions in connection with meals served to children in accordance with the provisions of this part, except that not to exceed 25 per centum of the funds so made available may be used to assist service institutions by paying not to exceed 75 per centum of the cost incurred for the purchase or rental of equipment to enable the service institutions to establish, maintain, and expand food service under this part: *Provided, however,* That, with the approval of FNS any State Agency, or FNSRO where applicable, may reserve for use in carrying out special developmental projects an amount equal to not more than one per centum of the initial apportionment of Federal funds so made available for any fiscal year, beginning with the fiscal year 1971.

* * * * *

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–22–71).

Approved: April 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5635 Filed 4–21–71;8:51 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

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

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

Basis and purpose. Section 724.1 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and as further amended by Public Law 92–10, approved April 14, 1971, hereinafter referred to as the "Act", to proclaim a national marketing quota on a poundage basis for Burley tobacco for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Section 724.11 is issued pursuant to the Act to determine and announce the amounts of the national marketing quota and the national reserve, and the national factor for the 1971–72 marketing year. The material previously appearing in these sections under centerhead Determinations and Announcements—1970–71 Marketing Year remain in full force and effect as to the crop to which it was applicable.

Public Law 92–10, added a new section (section 319) to the Act which provides for poundage quotas for Burley tobacco.

Section 319(a) provides, in part, that notwithstanding any other provision of law the Secretary shall, within 30 days following the enactment of this section, proclaim national marketing quotas for the 3 marketing years beginning October 1, 1971, as provided in this section. Within 30 days following such proclamation, the Secretary shall conduct a referendum of the farmers engaged in the production of the 1970 crop of Burley tobacco to determine whether they favor or oppose the establishment of farm marketing quotas on a poundage basis for the 3 marketing years beginning October 1, 1971.

Section 319(b) provides, in part, that notice of the farm marketing quota which will be in effect for his farm for the first marketing year covered by any referendum under this section shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the referendum.

Section 319(c) provides that the national marketing quota determined under this section for Burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported

during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) provides, in part, that a preliminary farm marketing quota shall be determined for each farm for which a Burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970, by multiplying the farm yield by the farm acreage allotment established for such farm for the marketing year beginning October 1, 1970. For each farm for which such a preliminary farm marketing quota is determined, a farm marketing quota for the first year shall be determined by multiplying the preliminary farm marketing quota by a national factor. This national factor shall be obtained by dividing the national marketing quota (less the national reserve) by the sum of all preliminary farm marketing quotas: *Provided*, That such national factor shall not be less than 95 per centum.

The reserve supply level is 1,584 million pounds, based upon a normal years domestic consumption of 515 million pounds and a normal years exports of 56 million pounds. The average domestic usage for the past 10 marketing years amounts to 530 million pounds. Domestic use has averaged 523 million pounds during the past 3 marketing years and is expected to be about 495 million pounds for the 1970–71 marketing year. The 10 year average exports amounted to 53 million pounds. Exports have averaged 55 million pounds during the past 3 marketing years and are expected to be about 60 million pounds during the 1970–71 marketing year. In view of these data and estimates, a reserve supply level of 1,584 million pounds appears reasonable.

The total supply of 1,903 million pounds for 1970–71 marketing year exceeds the reserve supply level by 319 million pounds. In determining the amount of the national marketing quota for the 1971–72 marketing year, the estimated total disappearance of 540 million pounds, with the maximum adjustment permitted by § 319(c) of the act of 5 percent or 27 million pounds, would result in a quota of 513 million pounds. The sum of the preliminary farm marketing quotas for the 1971–72 marketing year is 582.5 million pounds. The quota of 513 million pounds, less a national reserve of 1.5 million pounds, divided by the sum of the preliminary farm marketing quotas would result in a national factor of 0.87. However, § 319(e) provides that the national factor shall not be less than 0.95, and this will result in about 555 million pounds being allotted to farms.

Public notice was given (35 F.R. 18400) that the Secretary was preparing to proclaim a national marketing quota for burley tobacco for each of the marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973, pursuant to § 312 of the Agricultural Adjustment Act of 1938, as amended on an acreage basis. However, since that notice was given, Public Law 92–10, was enacted which makes necessary the proclamation of quotas on a poundage basis, as indicated above.

In view of the fact that farmers are preparing to plant the 1971 burley crop and need to know the 1971 farm marketing quotas for their farms, and since a referendum is required to be conducted to determine whether quotas will be in effect and the Act requires that, insofar as possible, farmers will be notified of the marketing quotas for their farms prior to the referendum, it is hereby determined that compliance with the notice, procedure, and 30 day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this document shall be effective upon filing with the Director, Office of the Federal Register.

PROCLAMATION OF QUOTAS

§ 724.1 Burley tobacco—1971–72, 1972–73, and 1973–74 Marketing Years.

Pursuant to the provisions of Public Law 92–10, approved April 14, 1971, a national marketing quota on a poundage basis for burley tobacco for each of the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973, is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1971–72 MARKETING YEAR

§ 724.11 Burley tobacco.

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1971 is hereby determined and announced in the amount of 513 million pounds, calculated, as provided in the Act, by adjusting the estimated disappearance of 540 million pounds downward by 27 million pounds.

(b) *National factor.* The national factor determined to be necessary to apportion the national quota to farms would be 0.87; however, as provided in § 319(e) of the Act, the national factor to be applied to each 1971 farm preliminary farm marketing quota to obtain the farm's 1971 farm marketing quota is 0.95.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 1.5 million pounds.

(Secs. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1314e, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on April 20, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-5701 Filed 4-21-71;9:00 am]

[Amdt. 10]

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

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

ESTABLISHMENT OF 1971 POUNDAGE QUOTAS FOR BURLEY TOBACCO

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), for the purpose of establishing 1971 marketing quotas for Burley tobacco on a poundage basis, as authorized by Public Law 92–10, approved April 14, 1971.

This amendment adds a new § 724.74 to the regulations in this subpart. Paragraph (a) of § 724.74 makes the amendment applicable only to the determination of 1971 farm marketing quotas for Burley tobacco.

The procedure for determining farm yields under the poundage program is set out in paragraph (b). Public Law 92–10 provides that farm yields shall be determined for each farm for which a Burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970.

Paragraph (c) sets forth the procedure for determining preliminary farm marketing quotas by multiplying the farm yield by the 1970 farm acreage allotment, prior to any adjustment for violations of the tobacco marketing quota regulations.

Paragraph (d) sets forth the procedure for determining farm marketing quotas for the 1971 crop year. Public Law 92–10 provides that a farm marketing quota for the first year the legislation is in effect shall be determined by multiplying the preliminary farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of all preliminary farm marketing quotas determined under paragraph (c), but with a proviso that such factor shall not be less than 95 per centum. The national marketing quota less the reserve is 511.5 million pounds. The total of all preliminary farm marketing quotas is 582.5 million pounds. A factor of 0.87 was determined by dividing the national

marketing quota by the total of the preliminary farm marketing quotas. The law provides that, since this factor is less than 0.95, 0.95 must be used as the national factor in determining farm marketing quotas for 1971.

Paragraph (e) provides for the correction of errors and adjusting inequities in marketing quotas for old farms. Paragraph (f) provides for the determination of farm marketing quotas for farms reconstituted by division or combination effective for 1971. Paragraph (g) provides for the pooling, transfers, releasing and reapportionment of the farm marketing quotas for farms acquired by an agency having the right of eminent domain.

Provision is made in paragraph (h) for establishing farm marketing quotas and farm yields for new farms. Applicants for new farm quotas are required to meet the conditions of eligibility for new farm acreage allotments in § 724.63 of the regulations in this subpart. Paragraph (h) implements the provisions in Public Law 92–10.

Paragraph (i) provides for notifying operators of farms of the established farm marketing quotas.

As provided by law a referendum of growers is to be held on May 4, 1971, to determine whether farmers favor marketing quotas on burley tobacco for the 1971–72, 1972–73, and 1973–74 marketing years. Since a notice of farm marketing quota must, by statute, insofar as practicable, be mailed to each operator of a farm having a burley tobacco allotment prior to the date of the referendum, it is essential that the amendment be effective at the earliest possible date. Accordingly, it is found that compliance with the notice, public procedure and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendment contained herein shall become effective upon the date of filing with the Director, Office of the FEDERAL REGISTER.

§ 724.74 Determining 1971 poundage quotas for Burley tobacco.

(a) *General.* Farm marketing quotas on a poundage basis shall be established under the provisions of this section for each farm for which a Burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Sections 724.51 through 724.54, 724.66, and 724.67, insofar as applicable, shall apply to the determination under this section. Section 724.59 shall apply, substituting farm marketing quota for farm acreage allotment. This section also governs the establishment of farm marketing quotas for new farms for 1971.

(b) *Determining farm yields.* A farm yield shall be determined for each farm for which a Burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such yield shall be determined as follows:

(1) An average yield per acre for each farm for each year of the period 1966 through 1970 shall be determined by dividing the total pounds of Burley tobacco produced on such farm by the total acreage of Burley tobacco harvested from such farm for each respective year. The yield per acre for a farm during any year of the period 1966 through 1970 shall be the actual yield for the farm as constituted for such year.

(2) A simple average of the yields per acre for each farm for the 4 highest of the 5 consecutive crop years beginning with the 1966 crop shall be determined, or, if burley tobacco was not produced on the farm for at least 4 years of the 5-year period, the average of the yields for the years in which tobacco was produced shall be computed. Any farm yield determined under this subparagraph shall not exceed 3,500 pounds per acre.

(3) If no burley tobacco was produced on the farm in the 5-year period (1966–70) but the farm was considered as having planted burley tobacco during the immediate preceding 5 years, the the farm yield shall be appraised by the county committee. Such appraised farm yield shall be based on farm yields established for similar farms in the area on which burley tobacco was produced during such 5-year period. Any farm yield appraised under this subparagraph shall not exceed 3,500 pounds per acre.

(c) *Preliminary farm marketing quota.* A preliminary farm marketing quota shall be determined for each farm for which a burley tobacco acreage allotment was established for the marketing year beginning October 1, 1970. Such quota shall be determined by multiplying the farm yields determined under paragraph (b) by the 1970 burley tobacco acreage allotment (prior to any reduction for violation of the tobacco marketing quota regulations).

(d) *1971 farm marketing quota.* For each farm for which a preliminary farm marketing quota is determined under paragraph (c), the 1971 farm marketing quota shall be determined by multiplying the preliminary farm marketing quota by 0.95 national factor. If there is carried over on the farm any penalty-free Burley tobacco from the 1970–71 marketing year, the farm shall receive, for 1971 only, an upward adjustment in the farm marketing quota equal to the amount of such carryover tobacco.

(e) *Correction of errors and adjusting inequities in marketing quotas for old farms*—(1) *General.* Notwithstanding any other provision of this section, the farm marketing quota for an old farm may be adjusted to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the adjustment is necessary to establish a quota for such farm which is fair and equitable in relation to the quotas for other old farms in the community in which the farm is located. The reserve for adjusting inequities under this paragraph will not be prorated to States based on the relationship of the total of the preliminary farm marketing quotas in each State to the national total of preliminary farm marketing quotas. Correction of errors shall be made out of that portion of the national reserve held at the national level.

(2) *Basis for adjustment.* Increases to adjust inequities in quotas shall be made on the basis of the past acreages and yields of tobacco, making due allowances for flood, hail, other abnormal weather conditions, plant bed, and other disease; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not more than 1 percent of the national marketing quota minus that part of the national reserve set aside for establishing new farm marketing quotas shall be made available for adjusting inequities and correction of errors. The total of all adjustments in old farm quotas in any county under this paragraph shall not exceed the pounds apportioned to the county by the State office for such purpose. The sum of adjustments for farms in the county owned, operated, or controlled by State, county, and community committeemen and the county executive director shall not be larger in relation to the sum of the 1971 preliminary farm marketing quotas for such farms than the sum of the adjustments for other farms in the county in relation to the 1971 preliminary farm marketing quotas for such farms.

(3) *CR, CCP, and CAP farms.* The quota for a farm under a conservation reserve contract, or a farm under a cropland conversion program agreement, or land under a cropland adjustment program agreement shall be given the same consideration under this paragraph as the quotas for other old farms.

(4) *Approved quota.* Adjustments in a farm quota under this paragraph shall become a part of the farm marketing quota.

(f) *Determination of quotas for divided or combined farms.* Farm marketing quotas for farms reconstituted effective for 1971 shall be determined pursuant to the provisions of paragraphs (b) through (d) of this section.

(g) *Marketing quotas for farms acquired under the right of eminent domain*—(1) *Marketing quotas.* The transfer of farm marketing quotas for farms acquired by an agency having the right of eminent domain to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter, substituting farm marketing quotas for farm acreage allotment. If the acreage allotment for a farm acquired by an agency having the right of eminent domain was transferred to a pool prior to the determination of 1971 farm marketing quotas pursuant to this section, the allotment in the pool shall be converted to a marketing quota by multiplying the allotment by the farm yield determined as provided in paragraph (b) of this section.

(2) *Release and reapportionment.* The displaced owner of a farm may, not later than May 15, 1971, release in writing to the county committee for 1971 all or part of the farm marketing quota in a

pool under Part 719 of this chapter for reapportionment for 1971 by the county committee to other farms in the county having quotas for Burley tobacco. The county committee may reapportion, not later than June 1, 1971, the released farm marketing quota or any part thereof to other farms in the county on the basis of the past farm acreage allotments and farm yields for Burley tobacco, land, labor, and equipment available for the production of Burley tobacco, crop rotation practices, soil and other physical factors affecting the production of Burley tobacco. The marketing quota released shall, for future quota purposes, be considered to have remained in the pool as though it had not been released. No release and reapportionment of marketing quota shall be the result of any private negotiations between individuals. Any quota released shall be released to the county committee and shall be reapportioned only by the county committee. Any such release or reapportionment of acreage shall be treated as a release or reapportionment of marketing quotas.

(h) *New farms*—(1) *Farm marketing quota.* The farm marketing quota for a new farm (that is, a farm for which a farm marketing quota is not otherwise established) meeting the conditions of eligibility for a new farm acreage allotment set forth in § 724.63 of the regulations in this subpart shall be determined by the county committee with the approval of the State committee to be fair and reasonable for the farm on the basis of the past Burley tobacco experience of the farm operator; land, labor, and equipment available for the production of Burley tobacco; crop rotation practices; and the soil and other physical factors affecting the production of Burley tobacco. No 1971 farm marketing quota for a new farm will be determined unless a written application for a new farm acreage allotment for 1971 was filed by the farm operator as provided in § 724.63(b)(8). Any such application for a new farm acreage allotment will be treated as an application for a new farm marketing quota for 1971. The farm marketing quota for a new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established. The number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms. If no tobacco is planted on a farm for which a new farm marketing quota is determined for 1971, the 1971 farm marketing quota will be reduced to zero.

(2) *Farm yields.* A farm yield shall be established for each new farm for which a farm marketing quota is established under subparagraph (1) of this paragraph. Such yield shall be appraised by the county committee based on farm yields established for similar farms in the area.

(i) *Notice of farm marketing quota.* An official notice of farm marketing quota on a poundage basis shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to a farm marketing quota. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the farm marketing quota is established. Insofar as practicable, all notices of farm marketing quotas shall be mailed in time to be received prior to the date of the referendum to be held on May 4, 1971.

(Secs. 313, 319, 52 Stat. 47, as amended, 85 Stat. 23; 7 U.S.C. 1313, 1314e)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on April 20, 1971.

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

[FR Doc.71-5703 Filed 4-21-71;9:00 am]

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

[Navel Orange Reg. 235]

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

Limitation of Handling

§ 907.535 Navel Orange Regulation 235.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 23, 1971, through April 29, 1971, are hereby fixed as follows:

(i) District 1: 770,000 cartons;

(ii) District 2: 230,000 cartons;

(iii) District 3: unlimited.

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

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

Dated: April 21, 1971.

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

[FR Doc.71-5717 Filed 4-21-71;11:17 am]

[Valencia Orange Reg. 344]

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

Limitation of Handling

§ 908.644 Valencia Orange Regulation 344.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and

order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 20, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 23, 1971, through April 29, 1971, are hereby fixed as follows:

(i) District 1: 86,911 cartons;

(ii) District 2: 96,054 cartons;

(iii) District 3: 146,950 cartons;

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

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

Dated: April 21, 1971.

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

[FR Doc.71–5718 Filed 4–21–71;11:17 am]

[Grapefruit Reg. 11, Amdt. 2]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the introductory language and subparagraph (2) of paragraph (a) in Grapefruit Regulation 11 (§ 944.107, 35 F.R. 14537, 36 F.R. 5964), are hereby amended to read as follows:

§ 944.107 Grapefruit Regulation 11.

(a) On and after April 19, 1971, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

* * * * *

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

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 69 (§ 905.525); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of pink seedless grapefruit.

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

Dated April 16, 1971, to become effective April 19, 1971.

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

[FR Doc.71–5594 Filed 4–21–71;8:47 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision II)

The regulations governing the CCC Export Credit Sales Program, as revised and published in the FEDERAL REGISTER on December 16, 1969 (34 F.R. 19705–19710), are further revised as follows, to provide that all accounts receivable arising from financing export credit sales and assigned to CCC may be evidenced by documents other than negotiable instruments, to provide for the submission to the Assistant Sales Manager for Export Credit, EMS, of all applications for financing, to permit announcement of the list of eligible commodities and current interest rates in a publication other than the CCC Monthly Sales List, and to clarify existing discretionary authority with respect to the acceptance of, and the interest rates applicable to, bank obligations. In addition, certain other changes are made to conform with existing procedural requirements and organizational functions and assignments in the Department.

Sec.

AUTHORITY: The provisions of this Subpart A issued under sec. 5(f), 62 Stat. 1071, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

GENERAL REGULATIONS

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede GSM–4, Revised December 1969, and set

forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be 3 years. GSM–4, Revised December 1969, shall remain in effect for all transactions under financing approvals issued thereunder.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After delivery, subject to the terms and conditions set forth in this subpart, CCC will purchase for cash the exporter's account receivable arising from such export sale.

(c) The provisions of Public Law 83–664 are not applicable to the exporter's shipments under this program.

(d) The regulations contained in this Subpart A may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this Subpart A, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

Terms used in this Subpart A are defined as follows:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the port value of the commodity delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by documents, in form and substance satisfactory to CCC, establishing the contractual obligation between the U.S. exporter and the foreign importer. The account receivable shall provide for (1) payment of principal and interest in U.S. dollars in the United States, (2) interest in accordance with § 1488.6, and (3) acceleration of payment thereunder in accordance with GSM–4.

(b) "Agency or branch bank" means an agency or branch of a foreign bank, supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, and approved by the Vice President or the Controller, CCC.

(c) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, an agency or branch bank, or a foreign bank to pay to CCC in U.S. dollars the amount of the account receivable, plus interest in accordance with § 1488.6. The bank obligation shall be in the form of an irrevocable letter of credit issued by a U.S. bank or a branch bank, or confirmed or advised by a U.S. bank in accordance with § 1488.4. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(d) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(e) "Commercial risk" means risk of loss due to any cause other than a political risk.

(f) (1) "Delivery" means the delivery, either before or at point of export, required by the export sale contract to transfer to the importer full or conditional title to the agricultural commodities. Delivery before export shall be at a warehouse in the United States acceptable to CCC. Delivery at point of export shall be f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. airports, at U.S. border points of exit or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River.

(2) "Date of delivery" means the onboard date of the ocean bill of lading, or the date of airway bill, or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, or, if delivery is before export, the date(s) of the warehouse receipts or other evidence of delivery, acceptable to CCC, of the commodity to a warehouse.

(g) "EMS" means the Export Marketing Service, U.S. Department of Agriculture.

(h) "Eligible commodities" means those agricultural commodities, including eligible cotton, which are produced in the United States and which are designated as eligible for export under CCC's Export Credit Sales Program in a CCC published announcement. Commodities which have been purchased from CCC are eligible for export as private stocks. Commodities shall not be eligible for financing under this program if they are exported under a barter contract or arrangement.

(i) "Eligible cotton" means Upland, American-Pima, Sea Island, and Sea-land cotton grown in the United States: *Provided, however,* That reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this Title), byproducts of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any byproduct of cotton are not eligible for export hereunder. CCC's determination as to the eligibility of cotton hereunder shall be final.

(j) "Eligible exporter" or "exporter" means a person (1) who is regularly engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of his financing approval.

(k) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(l) "Financing agreement" means the financing approval issued by the Assistant Sales Manager for Export Credit, EMS, including the terms and conditions of the regulations in this subpart and any amendments thereto in effect on the date of the issuance of the letter of credit.

(m) "Financing approval" means the exporter's written application for financing as approved by the Assistant Sales Manager for Export Credit, EMS.

(n) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery, or the weighted average delivery date, of the commodities to be exported under the financing agreement, and shall expire on the expiration of the bank obligation or the number of months specified in the financing approval, whichever occurs first.

(o) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(p) "Foreign importer" or "importer" means the foreign buyer who purchases the commodities to be exported under a financing agreement and executes the documents evidencing the account receivable assigned to CCC.

(q) "GSM–4" means the regulations contained in this Subpart A setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(r) "CCC announcement" means an announcement published by CCC which is in effect for the calendar month in which the financing approval is issued and which includes the list of eligible commodities and interest rates under GSM–4.

(s) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, or confiscation, or other like action by the government of the eligible destination country.

(t) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, at U.S. airports if shipped by air, or, if transshipped through Canada via

the Great Lakes, at ports on the St. Lawrence River. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale. The net amount of the exporter's sales price means the exporter's contract price for the commodities less any payments made to the exporter and less any discounts, credits, or allowances by the exporter.

(u) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(v) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(w) "Vice President, CCC" means the Vice President who is the General Sales Manager, Export Marketing Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing. All applications for financing shall be submitted to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) CCC reserves the right to reject any and all applications.

(c) Applications shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval by the Assistant Sales Manager for Export Credit, a financing approval number shall be assigned and a financing approval issued. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported, the class, grade, or quality, as applicable, and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Justification for a financing period in excess of 12 months. (See paragraph (d) of this section.)

(6) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, a branch bank, or a foreign bank, and if by a foreign bank, its name and address and the name of the confirming U.S. bank or branch bank, or agency bank if approved as provided in § 1488.4(b), and the percentage of confirmation.

(7) The name and address of the foreign importer.

(8) If delivery of the commodity to be exported is before export, the name and address of the warehouse to which delivery is to be made.

(9) If delivery of the commodity to be exported is before export, the period for export.

(10) If the commodity will be sold through an intervening purchaser, the name and address of the intervening purchaser and a statement that the sale of the commodity is or will be conditioned on its resale by the intervening purchaser, and its direct shipment, to the foreign importer in the destination country specified in subparagraphs (2) and (7) of this paragraph (c), pursuant to a contract in which the foreign importer agrees to pay to the U.S. exporter the amount financed in accordance with the terms of the GSM–4 financing agreement.

(d) A financing period in excess of 12 months but not in excess of 36 months may be approved by the Assistant Sales Manager for Export Credit when such longer period will achieve one or more of the following results:

(1) Permit U.S. exporters to meet credit terms offered by competitors from other Free World countries.

(2) Prevent a loss or decline in established U.S. commercial export sales caused by noncommercial factors.

(3) Permit U.S. exporters to establish or retain U.S. markets in the face of penetration by non-Free World suppliers.

(4) Substitute commercial dollar sales for sales for local currencies and sales on long term credits.

(5) Result in a new use of the imported agricultural commodities in the importing country.

(6) Permit expanded consumption of agricultural commodities in an importing country and thereby increase total commercial sales of agricultural commodities to the importing country by the United States and other exporting countries.

(e) If additional information is required, the applicant shall furnish it on request.

(f) The financing approval may contain such terms and conditions, not inconsistent with GSM–4, as the Assistant Sales Manager for Export Credit deems in the interest of CCC.

(g) The financing application may be amended by the Assistant Sales Manager for Export Credit provided the provisions of such amendment are in conformity with GSM–4 at the time of such amendment and are determined to be in the interest of CCC. Such amendments may include an extension of the period for delivery required by § 1488.7(a), provided the exporter furnishes to CCC acceptable evidence of an export sale contract requiring deliveries during a longer period, as well as an extension of the period for export, and may contain such additional conditions to such extensions as is determined to be in the interest of CCC. A new or amended bank obligation may be required by CCC if the financing approval is amended after the issuance of the related bank obligation.

(h) All sales must be registered with and approved for financing by the Director, CCC Credit Sales Division, EMS. Registration may be by telephone but must be confirmed by letter or wire. When registering a sale, the exporter shall give the following information:

(1) The financing approval number under which the sale is being made.

(2) The dollar value of the sale.

(3) To the extent possible, the month in which application for payment will be submitted.

§ 1488.4 Coverage of bank obligations.

(a) U.S. banks and branch banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) An obligation issued by a foreign bank must be confirmed and advised, as provided in paragraphs (c), (d), (e), and (f) of this section, by a U.S. bank or a branch bank or, when determined by the Vice President or Controller, CCC, to be in the interest of CCC, it may be confirmed by an agency bank.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If a branch bank confirms an obligation issued by its home office, or by another branch of its home office, it must confirm the full amount thereof. CCC will look to the branch bank for payment without regard to risks.

(e) If CCC accepts an agency bank confirmation of a foreign bank obligation, it must be for the full amount thereof without regard to risks and will be subject to such terms and conditions as may be contained in the financing approval.

(f) Except as provided in paragraphs (c) and (d) of this section, if a U.S. bank or a branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or the branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. bank or branch bank.

(g) Under special circumstances, on application in writing, the vice president, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or branch bank, but a bank will not be relieved of an obligation once it has been undertaken.

(h) Any bank obligation which provides for a bank acceptance of a time draft drawn by CCC (banker's acceptance) shall not be acceptable to CCC.

(i) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amounts otherwise payable under such bank obligation.

(j) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.5 CCC drafts.

Under those bank obligations which are partially confirmed, CCC will draw separate drafts for the amounts confirmed and the amounts not confirmed. If a CCC draft for the unconfirmed amount is dishonored, the U.S. bank or branch bank shall return the dishonored draft together with its statement of the reasons for nonpayment. For confirmed amounts, except as provided in § 1488.4 (c) and (d), a U.S. or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. On approval by CCC of such request, the refund shall be promptly made, together with interest at the Federal Reserve Bank of New York discount rate from the date payment was originally made to CCC to but not including the date of refund by CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or branch bank shall not thereafter have recourse to CCC.

§ 1488.6 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest as specified in this section. Rates of interest applicable to financing agreements shall be published in a CCC announcement. The interest rate applicable to that portion of an account receivable the payment of which is assured by a bank obligation issued or prorata confirmed by a U.S. bank shall be lower than the interest rate established for the remainder of the account receivable. The interest rate applicable to that portion of an account receivable the payment of which is assured by a bank obligation issued or prorata confirmed by a branch bank shall, when determined by the Vice President or the Controller, CCC, to be in the interest of CCC, be lower than the interest rate established for the remainder of the account receivable. Interest rates applicable to accounts receivable the payment of which is assured by agency bank confirmations shall be established by the Vice President or the Controller, CCC, at the time of acceptance. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. Interest shall accrue on the account receivable and the related bank obligation(s) from the date of delivery, or the weighted average delivery date, of the agricultural commodities delivered under the financing agreement to the date of payment, or to the date of expiration of the financing period, or to the date of expiration of the bank obligation, whichever occurs first, and shall be payable as specified in the financing approval. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1488.7 Expiration of period for delivery and export.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing approval or in any amendment thereof, or under paragraph (b) of this section, or, if no such period is so provided, within a period of 90 days from the date of the financing approval, the financing approval will no longer be valid.

(b) If the Vice President, CCC, or the Assistant Sales Manager for Export Credit determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period of delivery may be extended by CCC to include the period of such delay.

(c) If delivery is made before export under the terms of the financing agreement, failure to export within the period specified therefor in the financing approval shall constitute a breach of the financing agreement, the acount receivable and the bank obligation assuring the account receivable shall, at the option of the Assistant Sales Manager for Export Credit, become immediately due and payable if full payment thereunder has not been received, and liquidated damages shall be payable in accordance with § 1488.13.

§ 1488.8 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.9 Documents required after delivery.

(a) CCC will purchase an exporter's account receivable only if the Treasurer, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, receives the following documents within 45 days after date of delivery of the commodities exported or to be exported under the financing agreement or any extension thereof by the Treasurer, CCC:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity delivered.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC.

(3) A copy of the sales invoice to the foreign importer or, if the commodity has been sold through an intervening purchaser, a copy each of the exporter's sales invoice to the intervening purchaser and of the intervening purchaser's sales invoice to the foreign importer.

(4) If delivery is at point of export, two copies of the document evidencing export as provided in § 1488.10, and, if the consignee is other than the foreign importer, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer. If delivery is before export, documents acceptable to CCC evidencing delivery of the commodity to the importer or his agent.

(5) A certification by the exporter that the agricultural commodities of the grade, quality, and quantity called for in the exporter's sale have been delivered to the foreign importer and that the exporter knows of no defenses to the account receivable assigned to CCC.

(6) A bank obligation or obligations in accordance with §§ 1488.4, 1488.7(c), 1488.11, and paragraph (e) of this section, payable to CCC, in form and substance acceptable to CCC, covering the financing agreement and providing for the payment of interest in accordance with § 1488.6.

(7) A certification by the exporter in form satisfactory to CCC that he (1) has entered into a contract to sell eligible commodities, specifying grade, quality, quantity, and the agreed upon price therefor, with payment terms and interest in accordance with the financing agreement, and (2) has in his files documents evidencing the export sale contract and the obligation of the importer to him for the financed portion of the export sale, and will retain them in his files until 3 years after maturity of the related financing agreement and will furnish them to CCC on demand during that period.

(b) On timely receipt of the documents described in paragraphs (a) (1) through (7) of this section, the Treasurer, CCC, will pay promptly to the exporter the amount of the account receivable or 110 percent of the amount specified in the financing approval, whichever is the lesser. No payment will be made unless such documents are timely received.

(c) If an acceptable application for disbursement and the supporting documents described in paragraphs (a) (1) through (7) of this section have not been received by CCC within 45 days from the date of delivery, or any extension thereof by the Treasurer or Assistant Treasurer, CCC, the financing agreement shall be void.

(d) If, under the financing agreement, delivery is made before export, documents evidencing export as provided in paragraph (a)(4) of this section shall be submitted to the Assistant Sales Manager for Export Credit within 20 days after delivery to export carrier.

(e) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, is in bankruptcy, receivership or liquidation, has made an assignment for the benefit of creditors, or for any other

reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due and confirmed in accordance with § 1488.4.

§ 1488.10 Evidence of export and warranty.

(a) If the commodity is exported by rail or truck, the exporter shall furnish to the Treasurer, CCC, two copies of the bill of lading, certified by the exporter as being true copies, under which the commodity is exported, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish to the Treasurer, CCC, two nonnegotiable copies or photocopies or other type of copies of either (1) an onboard ocean bill of lading or (2) an ocean bill of lading with an onboard endorsement dated and signed or initialed on behalf of the carrier. The bills of lading must be certified by the exporter as being true copies and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer. If the exporter is unable to supply documentary evidence of export as specified in this paragraph (b) he shall submit such other documentary evidence as may be acceptable to CCC.

(c) If the commodity is exported by aircraft, the exporter shall furnish to the Treasurer, CCC, two nonnegotiable copies of an airway bill. The airway bills must be certified by the exporter as being true copies and must show the date and place of loading the commodity, the name of the airline, the destination of the commodity, and the name and address of both the exporter and the importer.

(d) By submitting documents evidencing export, the exporter represents and warrants that the commodity covered by such documents was not exported, and has not been and will not be transshipped or caused to be transshipped by the exporter, to any country or area for which an export license is required under the regulations issued by the Bureau of International Commerce, U.S. Department of Commerce, unless a license for such export or transshipment thereto has been obtained from such Bureau.[1]

(e) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.11 Evidence of entry into country of destination.

For a financing agreement under which the financing period is in excess of 12 months, within 90 days, or such extension of time as may be granted in writing by the Assistant Sales Manager for Export Credit, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager for Export Credit documentary evidence satisfactory to the Assistant Sales Manager for Export Credit verifying entry of the commodity into the country of destination specified in the financing agreement. The documentary evidence must (a) identify the agricultural commodity (or permit identification through supplementary documents which are furnished to the Assistant Sales Manager for Export Credit) as that exported under the financing agreement, (b) state the quantity and date of entry of the commodity into the destination country, and (c) be signed by (1) a customs official of the destination country, or (2) the importer, or (3) a representative of an independent superintending or controlling firm. When the commodity enters the country of destination in bond, a statement by the importer will be acceptable which (i) identifies the commodity as that exported under the financing agreement, (ii) states the quantity of the commodity entered under quantity of the commodity entered bond and date of entry into the destination country, and (iii) certifies that the commodity will be withdrawn from bonded storage at a later date for consumption in the destination country. If the evidence of importation is in other than the English language, the exporter shall also provide the Assistant Sales Manager for Export Credit with an English translation thereof. If such evidence is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager for Export Credit and on such termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC the bank obligation and the account receivable shall become due and payable Failure to furnish, within the time specified, evidence of entry of the commodity into the country of destination shall constitute prima facie evidence of failure to enter or cause the entry of the commodity into such country as required. The remedy herein provided shall not be exclusive of other rights available to the Federal Government as a result of the entry of a commodity, exported under a financing agreement, into a country other than that specified in the financing agreement.

§ 1488.12 Liability for payment.

If delivery is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.9, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter or intervening purchaser, for payment of all amounts due at maturity of the account receivable and of the bank obligation(s), but the exporter and the intervening purchaser shall remain liable for any loss arising from breach of any contractual obligation, certification or warranty made by them, pursuant to the financing agreement, and the exporter shall remain liable for any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by §§ 1488.8 and 1488.15, together with interest thereon at the rate specified in the documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1488.13. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.13 Liquidated damages.

Failure of the exporter to export or cause to be exported, within the period provided therefor, any agricultural commodity financed, when delivery is made before export under the terms of the financing agreement, or failure of the exporter to enter or cause the entry of such commodity into the country of destination, shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its programs. Since it will be difficult, if not impossible to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages, as follows: (a) For each week of delay in exportation after the final date for exportation, 1 percent of the amount financed under the financing agreement for the commodity not exported; (b) for failure to export or cause exportation, 5 percent of the amount financed under the financing agreement for the commodity not exported; and (c) for failure, after exportation, to enter or cause the entry of the commodity into the country of destination, at the rate of 5 percent a year of the amount financed under the

[1] Information to exporters: The Department of Commerce regulations prohibit exportation or reexportation by anyone, including a foreign exporter, of the commodity exported pursuant to the terms of these regulations, to prohibited countries and areas. The attention of the exporter is invited to the "Notice to Exporters" which accompanies these regulations.

financing agreement for such commodity from the start of the financing period until payment to CCC of the amount financed: *Provided*, That the aggregate of any amounts assessed under this § 1488.13 with respect to the same commodity shall not exceed 5 percent of the amount financed for such commodity. Liquidated damages shall not be assessed under (a) of this section to the extent that the Assistant Sales Manager for Export Credit determines that the delay was due to such causes as acts of God or government or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. Liquidated damages shall not be assessed under (b) or (c) of this section if the Assistant Sales Manager for Export Credit determines that failure to export was due to loss, damage, destruction or deterioration of the commodity or that failure to enter or cause the entry of the commodity into the country of destination was due to loss or destruction of the commodity or act of government.

§ 1488.14 Assignment.

The exporter shall not assign any claim or rights or any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC, or the Controller, CCC.

§ 1488.15 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.16 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exporter under a financing agreement shall not be shipped from the United States, or transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966, unless a special waiver is granted by the Maritime Administration. Commodities shipped on such a vessel shall not be considered to have been exported under the financing agreement.

§ 1488.17 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.18 Exporter's records and accounts.

The Vice President, CCC, and his designees, shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the exporter involving transactions related to the financed export credit sale until the expiration of 3 years after maturity of the related financing agreement.

§ 1488.19 Communications.

Unless otherwise provided, any written request, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager for Export Credit, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements of the regulations of this subpart have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This revision of regulations shall be effective upon publication in the FEDERAL REGISTER (4-22-71).

Signed at Washington, D.C., on April 13, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

NOTICE TO EXPORTERS

U.S. law and the export regulations issued by the Bureau of International Commerce, Department of Commerce (15 CFR Parts 368 through 399), prohibit the exportation or reexportation by anyone of any commodities under this program to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, Communist controlled areas of Vietnam, Cuba, and Southern Rhodesia, except under validated license issued by the U.S. Department of Commerce under such regulations.

For all exportations, one of the destination control statements specified in section 386.6 of the export regulations is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[FR Doc.71-5596 Filed 4-21-71;8:47 am]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 41]

PRIVATELY MANUFACTURED AEROGRAMMES; NEW FORMAT

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a revision of § 41.5(b) of Title 39, Code of Federal Regulations. This proposed revision is prompted by changes made in the format of official aerogrammes, changes agreed to by member countries of the Universal Postal Union Convention at the 1969 Congress in Tokyo.

Section 41.5(b) of Title 39 authorizes the manufacture and use of private aerogrammes without imprinted postage thereon, subject to specifications approved by the Postal Service. It is proposed to amend these regulations to require that private aerogrammes have three sealing flaps; and, when folded, have size dimensions of 7¼ by 3⁹⁄₁₆ inches. It is further proposed that the aerogrammes be manufactured of 18-pound paper. (Present regulations require that the sheets average not less than 150 to the pound.) It is further proposed that a finish such as silicon plastic be not permitted.

The amendment to the Department's regulations set out below will achieve the desired purposes.

Interested persons who desire to do so may submit written data, views or arguments concerning the proposed regulations to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

PART 41—AIR SERVICE

In § 41.5 *Aerogrammes*, amend paragraph (b) to read as follows:

§ 41.5 **Aerogrammes.**

* * * * *

(b) *Private manufacture.* Individuals or firms may be authorized by the U.S. Postal Service to manufacture private aerogrammes without imprinted postage for their own use or for sale to the public. To secure authorization the applicant must apply for an aerogramme permit and submit three samples of the proposed aerogramme to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260, for approval before engaging in production. A sample format may be obtained from the Office of Mail Classification. The samples submitted for approval, and the final printing of the aerogrammes, must be on 18-pound paper (500 sheets, 17 inches by 22 inches) of light blue color and of a texture similar to the regular three-flap aerogramme issued by the Postal Service. No artificial slippery finish such as silicon plastic will be permitted. The sheets, when folded, must have size dimensions of 7¼ by 3⁹⁄₁₆ inches and have three sealing flaps. The samples submitted for approval need not have the flaps gummed, but the areas to be gummed must be identified. The sheets must bear the same printed endorsements on the address and reverse sides as the regular aerogramme form issued by the Postal Service, as well as the printed return address of the applicant, or lines on which the return address may be written if the sheets are to be produced for sale to the public. In addition, the words "Authorized for mailing as aerogramme—P.S. Permit No. ------" (the number to be filled in when issued) must appear in smaller type so they will be visible on the address side and near the lower edge when the sheet is folded for mailing. The permit number will be issued at the time the aerogramme is approved. Approved private aerogrammes may be paid at the aerogramme rate, except that to Canada and Mexico they may be paid at the regular airmail letter rate.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-5636 Filed 4-21-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the Department of Agriculture intends to amend the regulations governing the National School Lunch Program to implement the matching requirements of section 7 of the National School Lunch Act, as amended by Public Law 91-248, approved May 14, 1970.

Comments, suggestions, or objections are invited and may be delivered within 20 days after publication hereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than the 20th day following publication hereof. Communications should identify the paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the amendments are issued.

The proposed amendments to the regulations are as follows:

1. Section 210.6 is revised to read as follows:

§ 210.6 **Matching of funds.**

(a) Each State Agency shall match each dollar of general cash-for-food assistance funds paid to it each fiscal year with $3 of funds from sources within the State determined by the Secretary to have been expended in connection with the Program: *Provided, however,* That, if the per capita income of any State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States. The amount of general cash-for-food assistance to be so matched shall be the net amount of such funds taking into consideration any funds transferred into the general cash-for-food assistance funds account and any funds transferred out of such account under the authority of section 10 of the Child Nutrition Act of 1966, as amended.

(b) For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenues (other than revenues derived from the Program) appropriated or specifically utilized for Program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirements set forth in paragraph (a) of this section; for each of the 2 succeeding fiscal years, at least 6 per centum of such matching requirement; for each of the subsequent 2 fiscal years, at least 8 per centum of such matching requirement; and for each fiscal year thereafter, at least 10 per centum of such matching requirement.

(c) The State revenues made available under paragraph (b) of this section shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of funds apportioned to the State for the same year under sections 4 and 11 of the Act and sections 4 and 5 of the Child Nutrition Act of 1966, as amended.

(d) The following funds from sources within the State shall be eligible to be counted in meeting the matching requirement prescribed in paragraph (a) of this section: (1) Funds expended for the Program, including Program administration, by the State or its political subdivisions or by or on behalf of any school, from children's payments or from any other source of State or local funds, except funds expended for land or the acquisition, construction, or alteration of buildings; and (2) the value of commodities,

services, supplies, facilities, and equipment donated to the Program, except the value of commodities donated by FNS or the value of land or the rental value of buildings used in connection with the Program: *Provided, however,* That the percentage of such matching requirements specified in paragraph (b) of this section shall be met by State revenues meeting the requirements of paragraph (e) of this section. The value of donations eligible for matching shall be certified by the State Agency or by the nonprofit private schools with respect to which the Program is administered by FNSRO.

(e) The following State revenues shall be eligible to be counted in meeting the applicable percentage of the matching requirement prescribed in paragraph (b) of this section: (1) State revenues appropriated or otherwise made available to the State Agency, which the State Agency disburses to schools for Program purposes, including nonprofit private schools if the State administers the Program in such schools. (2) State revenues appropriated or otherwise made available to schools which the School Food Authority transfers to the school's nonprofit school lunch program account and expends in connection with the school's nonprofit school lunch program. (3) State revenue made available to finance the costs (other than State salaries and other State administrative costs) of the intrastate distribution of foods donated under Part 250 of this chapter to schools participating in the Program.

(f) It shall be the responsibility of the State Agency, or FNSRO where applicable, to determine whether the matching requirements of this section (other than the requirements relating to the portion representing State revenues) are being met. If it appears that the matching requirements will not be met, the State Agency or FNSRO shall take corrective action to assure compliance with these requirements.

(g) FNS will determine that the required amount of funds from sources within the State and the required amount of State revenues have been expanded in connection with the Program during any fiscal year, based upon reports to be submitted by the State Agency at the close of such fiscal year.

(h) If a State fails to meet its State revenue matching requirement in any fiscal year as prescribed in paragraph (b), FNS shall promptly make a demand upon such State for a return to FNS of a portion of the general cash-for-food assistance funds equal to the per centum by which the State failed to meet the State revenue matching requirement, e.g., if a State has met only 50 percent of the State revenue matching requirement for any fiscal year, FNS will make a demand upon such State for return of 50 percent of the general cash-for-food assistance funds utilized by the State in that fiscal year. If any State meets the State revenue matching requirement prescribed in paragraph (b), but fails to meet its overall matching requirement specified in paragraph (a), the State shall return to FNS the amount of the general cash-for-food assistance funds which it failed to match.

(i) In any State where FNSRO administers the Program with respect to nonprofit private schools, each dollar of general cash-for-food assistance funds paid by FNS to such schools in the aggregate for any fiscal year shall be matched by $3 of funds from sources within the State determined by the Secretary to have been expended by School Food Authorities of nonprofit private schools in connection with the Program: *Provided, however,* That, if the per capita income of the State is less than the per capita income of the United States, the matching requirement for any fiscal year shall be decreased by the percentage by which the State per capita income is below the per capita income of the United States. If the aggregate payment of general cash-for-food assistance funds for such schools is not matched as provided in this paragraph, any School Food Authority not matching the general cash-for-food assistance funds paid to it shall return to FNS its pro rata share of the amount of the funds determined by FNS not to have been matched.

§ 210.14 [Amended]

2. In § 210.14, paragraph (g)(4) is amended by adding the following at the end thereof: "and shall submit within 45 days after the end of the fiscal year a report on the full matching requirements set forth in § 210.6 of this part including a report on the matching with State revenues prescribed in § 210.6(g)."

Effective date. These regulations shall be effective upon publication (4–22–71).

Dated: April 16, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–5663 Filed 4–21–71;8:52 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71–18]

DANGEROUS CARGOES CONTAINERS

Correction of Notice of Proposed Rule Making

F.R. Doc. 71–3685, a notice of proposed rule making commencing at page 5246 in the FEDERAL REGISTER of Thursday, March 18, 1971, is corrected by changing the second and third sentences of the preamble to read as follows: "The labeling exemption provided by §§ 146.05–15(h) and 146.07–25(b), which is applicable to shipments of packages received and delivered in carloads or highway truckloads, would be revoked. A new section, § 146.08–31, would authorize the exemption if the packages are loaded and unloaded under the supervision of the Department of Defense and are under escort by that agency, or are cylinders containing compressed gases classed as nonflammable that are carried by private or contract motor carriers and are not overpacked."

Dated April 19, 1971.

W. F. REA III,
Rear Admiral U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–5621 Filed 4–21–71;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–EA–35]

PROPOSAL TO DESIGNATE AREA LOW ROUTES

Notice of Withdrawal

In a notice of proposed rule making (NPRM) published in the FEDERAL REGISTER as Airspace Docket No. 70–EA–35 on September 11, 1970 (35 F.R. 14325), it was stated that the Federal Aviation Administration proposed to designate two area navigation (RNAV) low routes for use between the New York, N.Y., and Washington, D.C., metropolitan areas.

Subsequent to publication of the notice, a further review of the requirements for RNAV routes between New York and Washington indicated these routes should be realigned and additional routes between New York and Boston, Mass., should be designated. Therefore, a revised NPRM will be issued proposing designation of the RNAV routes between Washington/New York and New York/Boston with opportunity for comment by interested persons.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 70–EA–35 is hereby withdrawn.

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

Issued in Washington, D.C., on April 15, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–5589 Filed 4–21–71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71–WA–13]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes as a part of the overall program to establish an area navigation jet route structure.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10635), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J-804R (TAMPA, FLA., TO ATLANTA, GA.)

Gainesville, Fla., 196.6M/87.0 NM, lat. 28°11'06" N., long. 82°51'30" W.;
Gainesville, Fla., 302.7M/125.7 NM, lat. 30°-43'23" N., long. 84°23'02" W.;
Macon, Ga., 284.4M/81.6 NM, lat. 33°02'35" N., long. 85°12'27" W.

J-805R (LOUISVILLE, KY., TO CHICAGO, ILL.)

Indianapolis, Ind., 166.0M/81.4 NM, lat. 38°29'31" N., long. 85°58'42" W.;
Indianapolis, Ind., 328.0M/73.0 NM, lat. 40°51'20" N., long. 87°11'36" W.;
Indianapolis, Ind., 331.0M/115.6 NM, lat. 41°30'36" N., long. 87°34'17" W.

J-806R (CHICAGO, ILL., TO LOUISVILLE, KY.)

Lafayette, Ind., 335.5M/93.8 NM, lat. 41°59'-16" N., long. 87°54'17" W.;
Lafayette, Ind., 215.6M/23.7 NM, lat. 40°14'-20" N., long. 87°22'35" W.;
Lafayette, Ind., 172.6M/122.9 NM, lat. 38°-31'06" N., long. 86°46'49" W.

J-885R (ST. LOUIS, MO., TO MEMPHIS, TENN.)

St. Louis, Mo., VORTAC, lat. 38°51'38" N., long. 90°28'56" W.;
Memphis, Tenn., VORTAC, lat. 34°56'34" N., long. 89°57'34" W.

J-886R (ST. LOUIS, MO., TO WASHINGTON, D.C.)

Lewis, Ind., 253.9M/126.3 NM, lat. 38°43'46" N., long. 89°51'54" W.;
Lewis, Ind., 177.8M/30.3 NM, lat. 38°46'03" N., long. 87°15'16" W.;
Charleston, W. Va., 295.0M/57.0 NW, lat. 38°-42'03" N., long. 82°53'43" W.;
Front Royal, Va., VORTAC, lat. 39°05'26" N., long. 78°12'02" W.;
Front Royal, Va., 103.8M/34.8 NM, lat. 39°-01'10" N., long. 77°27'42" W.

J-887R (BALTIMORE, MD., TO CHICAGO, ILL.)

Philipsburg, Pa., 162.7M/101.1 NM, lat. 39°-22'36" N., long. 77°05'53" W.;
Philipsburg, Pa., 182.8M/92.0 NM, lat. 39°-23'08" N., long. 77°50'55" W.;
Cleveland, Ohio, 139.0M/72.1 NM, lat. 40°29'20" N., long. 81°04'05" W.;
Cleveland, Ohio, 218.0M/30.0 NM, lat. 40°-56'51" N., long. 82°32'26" W.;
South Bend, Ind., 258.9M/43.5 NM, lat. 41°37'29" N., long. 87°15'57" W.

J-888R (ATLANTA, GA., TO SPARTANBURG, S.C.)

Spartanburg, S.C., 227.1M/119.1 NM, lat. 33°37'10" N., long. 83°36'42" W.;
Spartanburg, S.C., 080.0M/50.0 NM, lat. 35°-12'11" N., long. 80°55'57" W.

J-889R (ST. LOUIS, MO., TO CLEVELAND, OHIO)

Centralia, Ill., 295.4M/38.1 NM, lat. 38°43'46" N., long. 89°51'54" W.;
Lafayette, Ind., 163.3M/70.5 NM, lat. 39°25'-27" N., long. 86°39'29" W.;
Appleton, Ohio, 009.7M/70.9 NM, lat. 41°19'-23" N., long. 82°22'42" W.

J-890R (CLEVELAND, OHIO, TO ST. LOUIS, MO.)

Appleton, Ohio, 001.8M/43.0 NM, lat. 40°52'-07" N., long. 82°35'28" W.;
Appleton, Ohio, 279.5M/67.4 NM, lat. 40°17'-16" N., long. 84°02'36" W.;
Lewis, Ind., 049.5M/52.5 NM, lat. 39°48'53" N., long. 86°22'03" W.;
Lewis, Ind., 260.4M/122.8 NM, lat. 38°58'18" N., long. 89°51'27" W.

J-891R (CHICAGO, ILL., TO MEMPHIS, TENN.)

Lafayette, Ind., 271.1M/50.1 NM, lat. 40°34'-54" N., long. 88°09'51" W.;
Farmington, Mo., 098.8M/51.3 NM, lat. 37°-28'10" N., long. 89°11'24" W.;
Memphis, Tenn., VORTAC, lat. 34°56'34" N., long. 89°57'35" W.

J-893R (MIAMI, FLA., TO JACKSONVILLE, FLA.)

Palm Beach, Fla., 193.3M/32.3 NM, lat. 26°-09'43" N., long. 80°17'36" W.;
Jacksonville, Fla., 144.0M/18.0 NM, lat. 30°-12'23" N., long. 81°21'39" W.

J-894R (JACKSONVILLE, FLA., TO MIAMI, FLA.)

Jacksonville, Fla., 174.0M/15.0 NM, lat. 30°-12'03" N., long. 81°32'03" W.;
Palm Beach, Fla., 284.6M/33.2 NM, lat. 26°-49'34" N., long. 80°45'18" W.

J-895R (ATLANTA, GA., TO NEW YORK, N.Y.)

Columbia, S.C., 266.4M/128.8 NM, lat. 33°37'-10" N., long. 83°36'42" W.;
Raleigh-Durham, N.C., 325.3M/50.0 NM, lat. 36°31'24" N., long. 79°25'48" W.;
Westminster, Md., 098.5M/110.1 NM, lat. 39°27'21" N., long. 74°36'36" W.

J-896R (CHICAGO, ILL., TO PHILADELPHIA, PA.)

Indianapolis, Ind., 322.7M/108.9 NM, lat. 41°16'11" N., long. 87°47'28" W.;
Indianapolis, Ind., 011.6M/79.3 NM, lat. 41°-06'17" N., long. 85°59'10" W.;
Indianapolis, Ind., 073.4M/110.8 NM, lat. 40°17'16" N., long. 84°02'36" W.;
Bellaire, Ohio, 004.3M/18.1 NM, lat. 40°19'-10" N., long. 80°48'55" W.;
Westminster, Md., 005.5M/44.8 NM, lat. 40°-14'29" N., long. 77°01'19" W.;
Westminster, Md., 066.1M/64.4 NM, lat. 40°-03'22" N., long. 75°47'33" W.

J-897R (PHILADELPHIA, PA., TO CHICAGO, ILL.)

Philipsburg, Pa., 113.9M/110.1 NM, lat. 40°21'30" N., long. 75°41'52" W.;
Philipsburg, Pa., 194.1M/18.7 NM, lat. 40°-36'27" N., long. 78°02'38" W.;
Cleveland, Ohio, 218.0M/30.0 NM, lat. 40°-56'51" N., long. 82°32'26" W.;
Fort Wayne, Ind., 293.1M/101.6 NM, lat. 41°37'29" N., long. 87°15'57" W.

J-898R (CHICAGO, ILL., TO ATLANTA, GA.)

Indianapolis, Ind., 298.0M/53.0 NM, lat. 40°14'20" N., long. 87°22'35" W.;
Nashville, Tenn., 071.0M/40.0 NM, lat. 36°-15'48" N., long. 85°48'53" W.;
Nashville, Tenn., 143.0M/131.0 NM, lat. 34°-16'03" N., long. 85°05'51" W.

J-951R (WASHINGTON, D.C., TO ST. LOUIS, MO.)

Casanova, Va., VORTAC, lat. 38°38'28" N., long. 77°51'57" W.;
Charleston, W. Va., 002.7M/20.2 NM, lat. 38°-14'16" N., long. 81°46'21" W.;
Indianapolis, Ind., 175.8M/74.1 NM, lat. 38°-34'48" N., long. 86°16'45" W.;
St. Louis, Mo., 107.6M/67.6 NM, lat. 38°25'-12" N., long. 89°09'32" W.;
St. Louis, Mo., 123.7M/27.3 NM, lat. 38°34'-28" N., long. 90°01'43" W.

J-952R (NEW YORK, N.Y., TO HOUSTON, TEX.)

Westminster, Md., 087.9M/119.6 NM, lat. 39°49'02" N., long. 74°25'55" W.;
Gordonsville, Va., VORTAC, lat. 38°00'48" N., long. 78°09'12" W.;
Greensboro, N.C., 335.6M/65.7 NM, lat. 37°-01'05" N., long. 80°36'18" W.;
Chattanooga, Tenn., VORTAC, lat. 34°57'40" N., long. 85°09'12" W.;
Meridian, Miss., VORTAC, lat. 32°22'42" N., long. 88°48'15" W.;
Lake Charles, La., 329.2M/38.1 NM, lat. 30°43'25" N., long. 93°24'11" W.;
Lake Charles, La., 258.1M/117.2 NM, lat. 29°57'24" N., long. 95°20'44" W.

J-953R (NEW ORLEANS, LA., TO NEW YORK, N.Y.)

New Orleans, La., VORTAC, lat. 30°01'47" N., long. 90°10'20" W.;
Crestview, Fla., 314.8M/51.4 NM, lat. 31°27'-37" N., long. 87°21'10" W.;
Macon, Ga., 320.0M/65.0 NM, lat. 33°31'56" N., long. 84°27'48" W.;
Augusta, Ga., 322.9M/72.7 NM, lat. 34°29'-43" N., long. 83°02'17" W.;
Raleigh-Durham, N.C., 327.8M/61.6 NM, lat. 36°42'02" N., long. 79°32'14" W.;
Westminster, Md., 098.4M/111.6 NM, lat. 39°-27'21" N., long. 74°34'36" W.

J-954R (WASHINGTON, D.C., TO DETROIT, MICH.)

Philipsburg, Pa., 182.8M/92.0 NM, lat. 39°-23'08" N., long. 77°50'55" W.;
Chardon, Ohio, 179.9M/61.8 NM, lat. 40°29'-20" N., long. 81°04'05" W.;
Chardon, Ohio, 287.3M/80.8 NM, lat. 41°48'-48" N., long. 82°55'02" W.

J-955R (CHICAGO, ILL., TO BALTIMORE, MD.)

Indianapolis, Ind., 322.7M/108.8 NM, lat. 41°16'11" N., long. 87°47'28" W.;
Indianapolis, Ind., 011.6M/79.3 NM, lat. 41°06'17" N., long. 85°59'10" W.;
Indianapolis, Ind., 073.4M/110.8 NM, lat. 40°17'16" N., long. 84°02'36" W.;
Bellaire, Ohio, 199.1M/20.2 NM, lat. 39°41'-31" N., long. 80°55'50" W.;
Casanova, Va., 335.9M/31.2 NM, lat. 39°05'-26" N., long. 78°12'02" W.;
Casanova, Va., 044.7M/65.8 NM, lat. 39°29'-42" N., long. 76°58'44" W.

J-956R (MEMPHIS, TENN., TO CHICAGO, ILL.)

Walnut Ridge, Ark., 139.9M/85.2 NM, lat. 34°56'34" N., long. 89°57'35" W.;
Capital, Ill., VORTAC, lat. 39°53'32" N., long. 89°37'31" W.;

Capital, Ill., 026.6M/115.7 NM, lat. 41°32'47" N., long. 88°19'06" W.;
Capital, Ill., 023.8M/130.6 NM, lat. 41°48'38" N., long. 88°16'07" W.

J-957R (JACKSONVILLE, FLA., TO WASHINGTON, D.C.)

Savannah, Ga., 182.5M/81.3 NM, lat. 30°48'-13" N., long. 81°09'14" W.;
Savannah, Ga., 115.4M/31.6 NM, lat. 31°56'-28" N., long. 80°32'56" W.;
Wilmington, N.C., 300.2M/59.7 NM, lat. 34°-47'11" N., long. 78°57'29" W.;
Flat Rock, Va., 099.5M/24.3 NM, lat. 37°30'-08" N., long. 77°19'14" W.;
Flat Rock, Va., 035.6M/67.6 NM, lat. 38°30'-27" N., long. 77°07'05" W.

J-958R (WASHINGTON, D.C., TO JACKSONVILLE, FLA.)

Norfolk, Va., 335.0M/102.5 NM, lat. 38°20'10" N., long. 77°21'11" W.;
Norfolk, Va., 293.6M/86.9 NM, lat. 37°31'42" N., long. 77°49'43" W.;
Wilmington, N.C., 299.3M/79.5 NM., lat. 34°54'40" N., long. 79°19'54" W.;
Savannah, Ga., 194.6M/84.0 NM, lat. 30°47'-43" N., long. 81°29'38" W.

J-959R (MIAMI, FLA., TO DETROIT, MICH.)

Vero Beach, Fla., 173.3M/91.3 NM, lat. 26°-09'43" N., long. 80°17'36" W.;
Gainesville, Fla., 052.7M/64.6 NM, lat. 30°12'23" N., long. 81°21'39" W.;
Augusta, Ga., VORTAC, lat. 33°32'40" N., long. 82°08'00" W.;
Knoxville, Tenn., 077.7M/53.8 NM, lat. 36°-06'21" N., long. 82°49'06" W.;
Charleston, W. Va., 261.0M/77.7 NM, lat. 38°04'10" N., long. 83°22'31" W.;
Rosewood, Ohio, VORTAC, lat. 40°17'16" N., long. 84°02'36" W.

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 section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-5535 Filed 4-21-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DENNIS R. COOK

Notice of Granting of Relief

Notice is hereby given that Mr. Dennis R. Cook, 1520 Pacific, Kansas City, KS 66101, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 10, 1965, in the District Court of Wyandotte County, Kans., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Dennis R. Cook because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis R Cook to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis R. Cook's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis R. Cook be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5637 Filed 4-21-71;8:51 am]

ELMORE MINTER

Notice of Granting of Relief

Notice is hereby given that Elmore Minter, Box 137, New River, VA 24129, has applied for relief from disabilities imposed by Federal laws with respect to the acquistion, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 17, 1954, in the Circuit Court, Pulaski County, Va., of a crime punishable by imprisonment for a term exceeding one year. Unless relief is granted, it will be unlawful for Elmore Minter because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), because of such conviction, it would be unlawful for Elmore Minter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Elmore Minter's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Elmore Minter be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5638 Filed 4-21-71;8:51 am]

LEON MORDOH

Notice of Granting of Relief

Notice is hereby given that Leon Mordoh, 6422 Kennedy Lane, Indianapolis, IN 46260, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt transfer, shipment, or possession of firearms incurred by reason of his conviction on November 23, 1955, in the Circuit Court, for the Eighth Judicial District, Alachua County, Fla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Leon Mordoh because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Leon Mordoh to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Leon Mordoh's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Leon Mordoh be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 14th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5639 Filed 4-21-71;8:51 am]

FREDDIE LEE WRIGHT

Notice of Granting of Relief

Notice is hereby given that Freddie Lee Wright, Route 1, Box 642, Bay City, OR 97107, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms

incurred by reason of his conviction on August 4, 1969, in the Tillamook County Court, Tillamook, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Freddie Lee Wright because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Freddie Lee Wright to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Freddie Lee Wright's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Freddie Lee Wright be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5640 Filed 4-21-71;8:51 am]

MAYFORD VAUGHN JOHNSON

Notice of Granting of Relief

Notice is hereby given that Mayford Vaughn Johnson, Route 2, Box 198A, Wilkesboro, NC 28697, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 21, 1945, in the U.S. District Court, Wilkes County, Wilkesboro, N.C., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mayford Vaughn Johnson because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mayford Vaughn Johnson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mayford Vaughn Johnson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Mayford Vaughn Johnson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5598 Filed 4-21-71;8:48 am]

HOWARD KIMBELL

Notice of Granting of Relief

Notice is hereby given that Howard Kimbell, 413 Calhoun Street, Richmond, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 15, 1951, in the Recorder's Court for Lincoln County, Lincoln, N.C., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Howard Kimbell because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Howard Kimbell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Howard Kimbell's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Howard Kimbell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of April 1971.

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

[FR Doc.71-5599 Filed 4-21-71;8:48 am]

RUDOLPH KUCHAREK

Notice of Granting of Relief

Notice is hereby given that Rudolph Kucharek, 317 Farmdale Street, Ferndale, MI 48220, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 1, 1955, in the Oakland County, Mich., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Rudolph Kucharek because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Rudolph Kucharek to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Rudolph Kucharek's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Rudolph Kucharek be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5600 Filed 4-21-71;8:48 am]

DAVID DEWEY MARRS, SR.

Notice of Granting of Relief

Notice is hereby given that David Dewey Marrs, Sr., 2802 Mahue Drive, Memphis, TN 38127, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about September 1, 1964, in the U.S. District Court for the Western District of Memphis, Tenn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David D. Marrs, Sr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David D. Marrs, Sr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David D. Marrs, Sr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That David D. Marrs, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5601 Filed 4-21-71;8:48 am]

JAMES ROBERT MARTIN

Notice of Granting of Relief

Notice is hereby given that James Robert Martin, Route No. 1, Woodville, AL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 13, 1967, in the U.S. District Court for the Northern District of Alabama, Huntsville, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Robert Martin because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Robert Martin to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Robert Martin's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.114: *It is ordered*, That James Robert Martin be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 31st day of March 1971.

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

[FR Doc.71-5602 Filed 4-21-71;8:48 am]

EVERETT HAGER MAYNARD

Notice of Granting of Relief

Notice is hereby given that Everett Hager Maynard, Box 78, Lundale, WV 25631, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 28, 1953, in the Logan County Circuit Court, W. Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Everett H. Maynard because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Everett H. Maynard to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Everett H. Maynard's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Everett H. Maynard be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinbefore described.

Signed at Washington, D.C., this 13th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5603 Filed 4-21-71;8:48 am]

PAUL FREDERICK RITER

Notice of Granting of Relief

Notice is hereby given that Paul Frederick Riter, 3905 Edwards Road, Cincinnati, OH 45209, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 15, 1933, and September 15, 1938, in the Cuyahoga County Common Pleas Court, Ohio, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul F. Riter because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul F. Riter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul F. Riter's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Paul F. Riter be, and he hereby isg, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 31st day of March, 1971.

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

[FR Doc.71-5604 Filed 4-21-71;8:48 am]

GROVER CHARLES SANDERS

Notice of Granting of Relief

Notice is hereby given that Grover Charles Sanders, 2934 Columbus Street, Detroit, MI 48206, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about May 6, 1943, in the U.S. District Court, Jasper, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Grover Charles Sanders because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Grover Charles Sanders to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Grover Charles Sanders' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Grover Charles Sanders be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5605 Filed 4-21-71;8:48 am]

JOHN CARL TEUFEL

Notice of Granting of Relief

Notice is hereby given that John Carl Teufel, 418 Brookside Avenue, Oakhurst, N.J., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 19, 1942, in the Union County Court, Elizabeth, N.J., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Carl Teufel because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm, or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Carl Teufel to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Carl Teufel's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That John Carl Teufel be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 31st day of March 1971.

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

[FR Doc.71-5606 Filed 4-21-71;8:48 am]

HARRY ROBERT TREGILLIS

Notice of Granting of Relief

Notice is hereby given that Harry Robert Tregillis, 2307 Colfax Avenue South, Minneapolis, MN 55405, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 24, 1964, in the U.S. District Court, for the District of Hawaii, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry R. Tregillis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry R. Tregillis to

receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry R. Tregillis' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by a 26 CFR 178.144: *It is ordered*, That Harry R. Tregillis be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 31st day of March 1971.

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

[FR Doc.71-5607 Filed 4-21-71;8:48 am]

DONALD L. CRAMER

Notice of Granting of Relief

Notice is hereby given that Donald L. Cramer, 3674 South Portsmouth Road, Bridgeport, MI 48722, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about December 17, 1954, in the Circuit Court for the county of Midland, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald L. Cramer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald L. Cramer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald L. Cramer's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Donald L. Cramer be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 31st day of March 1971.

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

[FR Doc.71-5608 Filed 4-21-71;8:48 am]

DENNIS W. FREEMAN

Notice of Granting of Relief

Notice is hereby given that Dennis W. Freeman, 1275 Taft Street, Eugene, OR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 16, 1968, in the Douglas County Circuit Court, Roseburg, OR, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis W. Freeman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis W. Freeman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis W. Freeman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dennis W. Freeman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 1st day of April 1971.

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

[FR Doc.71-5609 Filed 4-21-71;8:49 am]

HARRY BLAKE GOWEN

Notice of Granting of Relief

Notice is hereby given that Harry Blake Gowen, Rural Route Box 290, Arrington, VA 22922, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 27, 1965, in the Nelson County Circuit Court, Lovingston, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry Blake Gowen because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry Blake Gowen to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry Blake Gowen's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harry Blake Gowen be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or

possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 12th day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-5610 Filed 4-21-71;8:49 am]

Office of the Secretary

CLEAR SHEET GLASS FROM TAIWAN

Determination of Sales at Less Than Fair Value

APRIL 20, 1971.

Information was received on June 20, 1969, that clear sheet glass from Taiwan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of January 21, 1971.

I hereby determine that for the reasons stated below, clear sheet glass from Taiwan is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

Analysis of information from all sources reveals that the appropriate basis of comparison is between purchase price and home market price.

Purchase price was calculated on the basis of a C&F, or C.I.F. duty paid price, as appropriate, less transportation costs, discounts, commissions, and the U.S. duty, as applicable. The appropriate Taiwanese duty reimbursements and commodity taxes, refunded or not collected upon exportation, were added to the price.

The home market price was based on the weighted average price in the country of exportation, with adjustments made for inland freight, credit costs, and packing.

Purchase price was found to be lower than the home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-5704 Filed 4-21-71;9:16 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey

APRIL 15, 1971.

1. Plats of survey for the following described lands, accepted March 12, 1971, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m. on May 20, 1971:

BOISE MERIDIAN, IDAHO

T. 28 N., R. 10 E., unsurveyed,
Tracts 37, 38, and 39.

The tracts described aggregate 5.33 acres.

2. All of the above-described land is embraced in the Nezperce National Forest. The tracts are included in Forest Exchange applications I-3408, I-3409, and I-3410, and are segregated in accordance with 43 CFR 2202.5 from appropriation under the public land laws, including the mining laws.

ORVAL G. HADLEY,
Manager, Land Office.

[FR Doc.71-5574 Filed 4-21-71;8:45 am]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

APRIL 13, 1971.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on May 28, 1971.

MOUNT DIABLO MERIDIAN, NEVADA

a. T. 5 N., R. 42 E. (Group 467).
b. T. 6 N., R. 42 E. (Group 467).

2. a. The surveyed area in T. 5 N., R. 42 E., aggregates 1,853.93 acres. The plat was accepted March 22, 1971. Township 5 North, Range 42 East, M.D.M. is situated about 18 miles northwesterly of the town of Tonopah, Nev., and in the San Antonio mining district in Nye County, Nev. Access is by way of several unimproved dirt roads extending northeasterly from graded and graveled State Route No. 89, at a point approximately 17 miles northwest of Tonopah.

The area drains westerly into the Big Smoky Valley with the exception of the south boundary of section 36, which drains easterly into Ralston Valley. Elevations range from about 5,350 feet above sea level on the west boundary of section 30, to about 6,880 feet above sea level on top of the divide of the San Antonio Mountains near the corner of sections 35 and 36 on the south boundary of the township.

The soil is composed generally of sand and rock with the west portion of the area lying mainly in a fairly level desert area and the south boundary crossing the San Antonio Mountains which is mostly rocky. There is no timber in the area and the vegetation consists of sagebrush, greasewood, rabbitbrush, and several varieties of cactus.

The north and west portion of the area is an area of extensive mining exploration, both old and current, with evidence of a large deposit of minerals, consisting chiefly of molybdenite with some silver, copper, and gold.

The average of a considerable number of readings throughout the area gives a value of 17°00' E., for the mean magnetic declination.

b. The surveyed area in T. 6 N., R. 42 E., aggregates 1,685.61 acres, the resurveyed area aggregates 160 acres. The lands are situated about 18 miles northwesterly of the town of Tonopah, Nev., in the San Antonio mining district, Nye County, Nev. Access is by way of several unimproved dirt roads extending northeasterly from graded and graveled State Route No. 89, at a point approximately 17 miles northwest of Tonopah.

The area drains westerly into the Big Smoky Valley. Elevations range from about 5,460 feet above sea level at the northwest township corner to about 6,580 feet above sea level on the top of a small peak on the north boundary of section 32.

The soil in the area is composed generally of sand and rock. The west portion of the area lies mainly in a fairly level desert area. Section 32 lies on the west slope of the San Antonio Mountains with many rocky outcroppings. There is no timber in the area, with the exception of a few scrub cedar; the vegetation consists of sagebrush, greasewood, rabbitbrush, and several varieties of cactus.

The south portion of the area is an area of extensive mining exploration with evidence of a large deposit of minerals, consisting chiefly of molybdenite with some silver, copper, and gold.

The average of a considerable number of readings throughout the area gives a value of 17°00' E., for the mean magnetic declination.

3. Subject to any existing valid rights and the requirements of applicable laws, regulations, and the exchange classification published in the FEDERAL REGISTER, March 27, 1969, page 5748, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., May 28, 1971, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting

forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[FR Doc.71-5575 Filed 4-21-71;8:45 am]

STATE DIRECTORS

Delegation of Authority

Bureau of Land Management, Associate Director, delegates procurement authority to State Directors, effective upon publication (4-22-71).

State Directors—1. *Negotiated contracts.* May enter into contracts pursuant to section 302(c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

2. *Open market purchases.* May enter into contracts pursuant to section 302(c)(3) of the Federal Property and Administrative Services Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. *Established sources of supply.* May procure supplies and services available from established sources of supply regardless of amount.

4. *Capitalized property.* May enter into contracts, under authority of subparagraphs 1, 2, or 3 above, as appropriate, for purchase of capitalized property where the item is required for immediate use in suppression of active fires, and immediate delivery for use on that fire is attainable. If the purchase is to be charged to 1510 funds, or if the item is not included in an approved equipment budget, the State Director must request prior approval of purchase by the Assistant Director, Administration. This authority may be exercised only in true emergency situations where immediate delivery is critical. In all other cases, the procedure in Bureau Manual 1511.06G regarding acquisition of capitalized property applies. The authority granted in this subparagraph 4 may be redelegated. However, requests for approval must be submitted by the State Director.

JOHN O. CROW,
Associate Director.

[FR Doc.71-5502 Filed 4-21-71;8:45 am]

Fish and Wildlife Service

KENAI NATIONAL MOOSE RANGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on June 23, 1971, at Sidney Lawrence Auditorium, Anchorage, Third Judicial District, Alaska, and continued at 9 a.m. June 25, 1971, at the Kenai Central High School auditorium, Kenai, Third Judicial District, Alaska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Kenai Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 1,040,000 acres within Kenai National Moose Range and is located in the Kenai Borough, State of Alaska.

A brochure containing a map and information about the Kenai Wilderness proposal may be obtained from the Refuge Manager, Kenai National Moose Range, Box 500, Kenai, Alaska 99611, or the Alaska Area Director, Bureau of Sport Fisheries and Wildlife, 6917 Seward Highway, Anchorage, AK 99502.

Individuals or organizations may express their oral or written views by appearing at this hearing or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by July 26, 1971.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

APRIL 19, 1971.

[FR Doc.71-5641 Filed 4-21-71;8:52 am]

Office of the Secretary

AUBURN RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision Over Property

Notice is hereby given deleting the names of the following dependent members of the immediate family of distributee from those listed in the August 18, 1967 approved Notice of Termination of Federal Supervision over the Property of the Auburn Rancheria in California and Individual Members thereof.

Deletion of dependent family member	Date of birth	Address	Relationship to distributee	Distributee
Marcella Phyllis Hill	6-25-24	Post Office Box 3, Valentine, Ariz. 86437.	Wife	John Hill.
Frank Lewis Hill	4-15-43	Post Office Box 956, Hoopa, Calif. 95546.	Stepson	John Hill.
John W. Hill, III	10-29-46		Son	John Hill.
Robert J. Hill	8-31-49	Post Office Box 3, Valentine, Ariz. 86437.	Son	John Hill.
Judith Lydia Hill	4-09-52	Post Office Box 3, Valentine, Ariz. 86437.	Daughter	John Hill.

This notice, with respect to the above-named dependent family members only, rescinds pro tanto, and as of August 18, 1967, the Notice of Termination approved August 11, 1967, which became effective on publication on August 18, 1967, FEDERAL REGISTER, Volume 32, Number 160. This notice becomes effective as of the date of publication in the FEDERAL REGISTER (4-22-71).

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 13, 1971.

[FR Doc.71-5576 Filed 4-21-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

BURLEY TOBACCO

Notice of Referendum

Notice is hereby given that on May 4, 1971, a referendum will be held of farmers engaged in the production of the 1970 crop of Burley tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and as further amended by Public Law 92-10, approved April 14, 1971. The referendum will be held at polling places. The

purpose of the referendum is to determine whether the farmers voting favor a national marketing quota (on a poundage basis) for each of the 1971–72, 1972–73, and 1973–74, marketing years for Burley tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended, Part 717 of this chapter (28 F.R. 13249).

In view of the facts that Public Law 92–10, was not enacted until April 14, 1971, and that Burley tobacco farmers need to know as far in advance of planting time as possible, whether marketing quotas will be in effect on the 1971 crop, it is necessary to hold the referendum as soon as possible. Accordingly, it is hereby found that compliance with the notice and public procedure requirements of 5 U.S.C. 553 with respect to the date of the referendum is impracticable and contrary to the public interest.

Signed at Washington, D.C. on April 20, 1971.

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

[FR Doc.71–5702 Filed 4–21–71;9:00 am]

Packers and Stockyards Administration

SKAGGS RANCH SALES ARENA, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
COLORADO	
Skaggs Ranch Supply, Colorado Springs, Apr. 12, 1961.	Skaggs Ranch Sales Arena, Mar. 15, 1971.
KANSAS	
Herington Livestock Auction Company, Herington, Mar. 31, 1950.	Herington Livestock Auction Co. Inc., Jan. 1, 1971.
OKLAHOMA	
Cattleman's Stockyards, Comanche, Sept. 2, 1964.	Farmers & Ranchers Stockyard, Mar. 22, 1971.
Dewey Community Sale, Dewey, Aug. 31, 1964.	Dewey Livestock Sale Company, Mar. 23, 1971.
TEXAS	
Conroe Cow Palace, Conroe, May 15, 1962.	Conroe Livestock Commission Company, Apr. 15, 1971.
Jacksonville Livestock Market, Jacksonville, Dec. 17, 1966.	Jacksonville Livestock Market, Inc., Feb. 17, 1971.
Navasota Livestock Commission Company, Inc., Navasota, Oct. 1, 1965.	Navasota Livestock Auction Company, Jan. 20, 1971.

Done at Washington, D.C., this 15th day of April 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71–5565 Filed 4–21–71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5897; Docket No. FDC–D–265; NDA 5–897, etc.]

FOLIC ACID PREPARATIONS, ORAL AND PARENTERAL FOR THERAPEUTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71–4952 appearing at page 6843 in the issue for Friday, April 9, 1971, the reference to "01.5 mg." in paragraph b in the third column on page 6843 should read "0.15 mg."

[DESI 10176]

CERTAIN COMBINATION ANTICHOLINERGIC GASTROINTESTINAL DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anticholinergic gastrointestinal drugs for oral administration:

1. Piperidolate hydrochloride and pipenzolate bromide, marketed as Tridal Tablets by Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wisconsin 53201 (NDA 10–176).

2. Dicyclomine hydrochloride, sodium lauryl sulfate, and hydrolyzed sodium carboxymethylcellulose, marketed as Benulone Suspension by Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 10–907).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Piperidolate hydrochloride with pipenzolate bromide lacks substantial evidence of effectiveness for its claim for gastritis.

2. Except for the indication referred to above, these drugs are considered to be possibly effective for all other labeled indications.

B. *Marketing status.* 1. Within 60 days after publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for which a drug is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–2000), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10176, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120.)

Dated: March 31, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-5612 Filed 4-21-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Notice 71-RD-1]

RUNWAY PERIMETER LIGHTING SYSTEMS

Notice of Proposed Selection

The Federal Aviation Administration is considering adopting a Selection Order for Runway Perimeter Lighting Systems. A Selection Order is the method used by the Federal Aviation Administration for selecting new systems, equipments, facilities, or devices for incorporation in the National Airspace System in order to insure proper operation and compatibility between elements of the common civil-military system of air traffic control and air navigation facilities. A notice of proposed selection is issued, as a matter of policy, in those instances where invitation of public comments is considered to be in the public interest. It is not a notice of proposed rule making or other rule-making action.

Interested persons are invited to submit such written data and comments as they may desire. Communications should identify the notice number and be submitted in duplicate to: Director, Systems Research and Development Service, Attention: RD-54, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, DC 20590, on or before June 21, 1971. All comments submitted will be available for examination, both before or after the closing date for comments, in Room 715, 800 Independence Avenue SW., Washington, DC.

The text of the proposed Selection Order is as follows:

1. *Purpose.* This order provides for the incorporation of improved Runway Perimeter Lighting Systems in the National Airspace System (NAS) and establishes implementation criteria.

2. *Requirement.* Although runway perimeter lighting (runway edge, runway end and threshold) has been provided for approach and landing operations for many years by means of technical standards (Medium and High Intensity Runway Lighting Systems), there is a requirement for a selection order to incorporate improved runway perimeter lighting systems in the NAS. Recent flight tests and evaluations indicate that safety of flight operations will be improved by changing runway end lights (directed toward the runway) from green to red. This will indicate that a hazardous condition is being approached (end of runway) and prevent confusion with green taxiway centerline lights. The yellow edge lighting in the last 2,000 feet of instrument runways for indicating the caution zone will be changed to white edge lighting to provide greater contrast with the red runway end lights. Also, yellow edge lighting is not effective in providing positive identification, particularly at the lowest intensity setting and the caution zone is more positively indicated by the 3,000-foot long color-coded red/white centerline lighting or reflective markers.

3. *Selection decision.* Runway Perimeter Lighting Systems described in paragraph 4 of this order are responsive to the above requirement and are hereby selected for incorporation in the National Airspace System, pursuant to section 312 (c) of the Federal Aviation Act.

4. *Description.* Runway Perimeter Lighting Systems may be installed either as High Intensity Runway Lighting or as Medium Intensity Runway Lighting Systems, both systems having the same configuration.

a. *Configuration.* A basic runway perimeter lighting system consists of two straight lines of runway edge lights defining the lateral limits of the runway. The longitudinal limits of the runway are defined by two straight lines of runway end and threshold lights. Figure 1 shows a typical runway perimeter lighting system.

All lights are steady-burning. They are normally installed on elevated fixtures, but are semiflush in paved areas at runway intersections or for marking displaced thresholds.

b. *Edge lights.* They are placed not more than 10 feet laterally from the edge of the full strength pavement and are spaced longitudinally not more than 200 feet apart.

c. *Runway end and threshold lights.* For runways 100 feet or more wide, these lights are installed in a configuration of two groups of four or more lights located symmetrically about the runway centerline at each end of the runway, the lateral spacing forming a line of lights at right angles to the runway centerline. The outermost light in each group is in line with the corresponding row of edge-of-runway lights on each side. The innermost light of each group is a minimum of 40 feet from the runway centerline. The line of lights is a minimum of 2 feet and a maximum of 10 feet from the runway threshold. For runways less than 100 feet wide, each group of runway end and threshold lights consists of three lights with a minimum gap of 40 feet.

Lights to mark displaced or relocated thresholds shall be installed outboard of the runway or in the pavement.

d. *Color.* The runway edge lights are white, the runway end lights (directed toward the runway) are red and the threshold lights (directed away from the runway) are green.

Lights marking displaced thresholds and edge lights in the displaced threshold area shall be an approriate color combination (green, white, red, blue) depending on the intended use of the displaced threshold area for taxiing, takeoff, or rollout.

5. *Initial implementation criteria.* Runway Perimeter Lighting Systems implementation criteria follow:

(1) High Intensity Runway Lighting (HIRL) shall be installed on:

(a) All Category II runways.

(b) Precision instrument runway Category D aircraft.

(2) HIRL may be installed on any other runway where it is operationally desirable and feasible.

(3) Medium Intensity Runway Lighting shall be installed on Utility Class Airports and on runways of other airports not covered in (1) or (2) above.

(4) Red runway end and green threshold lights shall be installed on all runways.

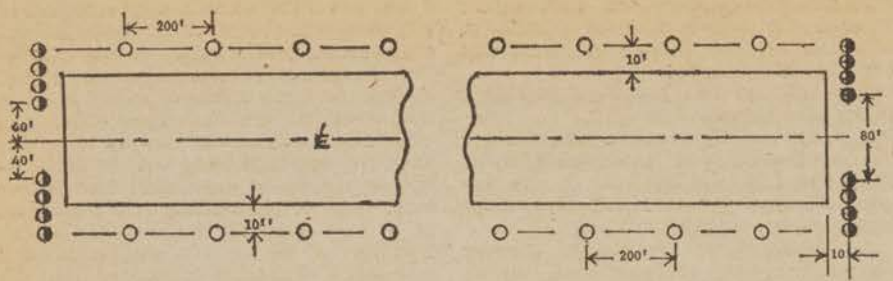
(5) Yellow filters shall be removed from existing High Intensity Lighting edge lights when red runway end lighting is installed.

6. *Directed action.* Subject to applicable rule making, programing, and budgetary procedures, action shall be taken by the elements of the Federal Aviation Administration concerned to implement this selection in accordance with the foregoing implementation criteria or such modifications thereof as may be hereinafter approved by or on behalf of the Administrator.

This notice is issued under sections 307(b) and 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(b) and 1353(c)).

Issued in Washington, D.C., on April 12, 1971.

J. D. CONERLY,
Acting Director, Systems Research and Development Service.



○ White light

◑ Red runway end light and green threshold light

Figure 1. Typical Runway Perimeter Lighting System (not to scale)

[FR Doc.71-5532 Filed 4-21-71;8:45 am]

ENGINEERING AND MANUFACTURING DISTRICT OFFICE, OKLAHOMA CITY, OKLA.

Notice of Relocation

Notice is hereby given that on or about May 1, 1971, the Engineering and Manufacturing District Office at FAA Building, Wiley Post Airport, Oklahoma City (Bethany), Okla. 73008, will be relocated to General Aviation Terminal, Room 112, Tulsa International Airport, Tulsa, Okla. 74115. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 13, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-5590 Filed 4-21-71;8:47 am]

National Transportation Safety Board

[Docket No. SS-RH-4]

INVESTIGATION OF RAILROAD ACCIDENT OCCURRING NEAR COLLINSVILLE, OKLA.

Notice of Hearing

In the matter of the investigation of the railroad accident involving the collision of a truck with passenger train No. 212 of the Atchison, Topeka, and Santa Fe Railroad Co. at the grade crossing of 116 Street located north of Tulsa, Okla., near Collinsville, Okla., on April 5, 1971, with subsequent fatalities and numerous personal injuries.

Notice is hereby given that an accident Investigation Hearing on the above matter will be held commencing at 9 a.m., on Tuesday, May 4, 1971, in the Great Room of the Camelot Inn located on Interstate Route 44 at South Peoria Street, in Tulsa, Okla.

Dated this 14th day of April, 1971.

OSCAR M. LAUREL,
Chairman, Board of Inquiry.

[FR Doc.71-5622 Filed 4-21-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Amendment to Provisional Operating License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on March 10, 1971 (36 F.R. 4631), the Atomic Energy Commission ("the Commission") has issued Amendment No. 2 to Provisional Operating License No. DPR-17 to the Niagara Mohawk Power Corp. as proposed in that notice. The amendment authorizes the Corporation to operate its Nine Mile Point Nuclear Station located on the southeast corner of Lake Ontario in Oswego County, N.Y., at steady-state power levels up to a maximum of 1,850 megawatts (thermal) in accordance with Niagara's application dated April 20, 1970, and amendments thereto.

The Commission has found that the application, as amended, for the amendment to the facility license complies with the requirements of Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and that the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of the license amendment may be obtained at the Public Document Room or upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of April 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-5570 Filed 4-21-71;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO.

Notice of Availability of Draft Detailed Statement and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Detailed Statement on the Environmental Considerations by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Related to the Proposed Construction of the Newbold Island Nuclear Generating Units 1 and 2 by the Public Service Electric and Gas Company" is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room, 1717 H Street NW., Washington, DC; and the Trenton Free Public Library, 120 Academy Street, Trenton, NJ.

The Commission hereby requests comments on the proposed action and the Draft Detailed Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction), which are authorized to develop and enforce environmental standards. If the Commission is not provided with comments by any State or local agency within 60 days of the publication of this notice in the FEDERAL REGISTER, the Commission will presume that the agency has no comments to make.

A copy of the Draft Detailed Statement dated April 19, 1971, and available comments thereon of Federal agencies (whose comments are being separately requested by the Commission) will be supplied to any such State or local agency upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, DC 20545.

Dated at Bethesda, Md., this 19th day of April 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-5687 Filed 4-21-71;8:52 am]

COMMISSION ON MARIHUANA AND DRUG ABUSE

TESTIMONY REGARDING MARIHUANA

Notice of Public Hearings

The National Commission on Marihuana and Drug Abuse announced its first public hearings to be held in Washington, D.C., on May 17, 18, and 19, in the Rayburn Building, Room 2322. The purpose of these hearings will be to hear the testimony of people representing the scientific, legal, educational and medical fields, regarding marihuana. The public is invited to attend both the morning and afternoon sessions.

MICHAEL R. SONNENREICH,
Executive Director.

[FR Doc.71-5582 Filed 4-21-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19206; FCC 71-390]

BUNKER-RAMO CORP. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Designating Matter for Hearing

In the matter of the Bunker-Ramo Corp., Oak Brook, Ill., Complainant, v. the Western Union Telegraph Co., New York, N.Y., Defendant.

1. This is a sequel to our memorandum opinion and order of September 9, 1970, reported at 25 FCC 2d 691, wherein we denied a motion of the Western Union Telegraph Co. (W.U.) that a formal complaint filed by the Bunker-Ramo Corp. (Bunker-Ramo) be made more definite and certain, and wherein we ordered W.U. to answer the Complaint. As reflected in our decision of September 9, 1970, the thrust of the Bunker-Ramo complaint is that both Bunker-Ramo and its customers have suffered discriminatory treatment at the hands of W.U. through the latter's alleged favoring of its own SICOM service customers over Bunker-Ramo and its customers in the installation, maintenance, repair, and restoration of communications services and facilities. We need not repeat here the details of the complainant's allegations. They are adequately set forth in our prior decision. 25 FCC 2d 692-695.

2. We now have before us W.U.'s Answer to the aforementioned complaint and a "Supplement" thereto, both filed on October 9, 1970, a "Motion to Dismiss" by W.U. filed on October 9, 1970, an "Opposition" to such motion filed by Bunker-Ramo on October 22, 1970, and a "Reply" to Bunker-Ramo's opposition to dismissal, filed by W.U. on November 3, 1970.

3. W.U.'s answer, consisting of 89 pages, exclusive of attachments, may be described generally as denying the allegations of the Bunker-Ramo complaint and need not be further described herein. In its separate motion to dismiss, W.U. requests us to dismiss the complaint without hearing and states as grounds therefor that: (a) The complaint lacks the specificity required by our rules; (b) the complaint is deficient for not joining the New York Telephone Co., from whom W.U. obtains certain facilities used to provide service to the public, as a "necessary" party; (c) the complaint rests on certain alleged incongruities; (d) Bunker-Ramo's interests are too remote to permit it to maintain the action; (e) the complaint is barred in part by the 1-year statute of limitations (415(b) of the Act); and (f) the complaint erroneously requests trebled and punitive damages.

4. Our rules provide for dismissal of a complaint when there is a "lack of legal sufficiency appearing on the face of such complaint." 47 CFR 1.731(a). As to W.U.'s claim that there is a lack of specificity in the complaint, we have already ruled to the contrary and need not repeat our reasons therefor. 25 FCC 2d 691. W.U.'s contention that the New York Telephone Co. is a "necessary party" to the complaint is based upon the fact that the telephone company provides facilities to W.U. under contract that are used by W.U. to supply common carrier services to its customers. However, this does not operate to relieve W.U. of its common carrier obligations to its customers so as to warrant dismissal.[1] The allegations of incongruities in the complaint may be pursued by W.U. in the evidentiary phases of the hearing we are ordering herein. As to W.U.'s plea that the statute of limitations bars the action, we note that the complaint alleges certain facts occuring within 1 year prior to the filing of the complaint that allegedly constitute violations of the Act. Thus, we cannot agree that the complaint on its face is barred by section 415 of the Act. Finally, W.U.'s argument that Bunker-Ramo may not recover treble or punitive damages and that its interest is too remote to maintain the action do not warrant dismissal of the complaint. Complainants have the burden of proof as to damages and the mere fact that a complaint may include claims for damages that may not be ultimately awarded does not call for dismissal of the complaint. Thus, section 208 of the Act specifies that "no complaint shall at any time be dismissed because of the absence of direct damage to the complainant." 47 U.S.C. 208. Therefore, even if complainant is ultimately found to be entitled to no damages, the complaint is not legally deficient for this reason. Our primary regulatory concern is to determine whether W.U. has violated the Communications Act of 1934. Accordingly, W.U.'s Motion to Dismiss is devoid of merit and will be dismissed. We conclude that the complaint and answer herein raise substantial issues of law and fact[2] that should be adjudicated on the basis of a hearing record and an initial decision thereon by a Hearing Examiner.

5. *Accordingly, it is ordered,* That, pursuant to section 201(a), 201(b), 202(a), 203(b), 203(c), 205, 206, 208, 209, and 403 of the Communications Act of 1934, as amended, this matter is designated for hearing at the Commission's offices in Washington, D.C., at a time to be specified, and that the examiner to be designated to preside at the hearing shall, upon the close of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Review Board shall issue its decision as provided in 47 CFR 0.365.

6. *It is further ordered,* That the issues in this proceeding shall be as follows:

I. During the period commencing June 8, 1969 (1 year prior to the filing of the complaint) and continuing up to the release date of our memorandum opinion and order herein:

(i) Whether defendant failed to provide interstate or foreign communications service to complainant or complainant's customers upon reasonable request therefor, in violation of section 201(a) of the Act;

(ii) Whether defendant engaged in unjust or unreasonable practices in connection with providing interstate or foreign communication service to complainant or complainant's customers, in violation of section 201(b) of the Act;

(iii) Whether defendant made any unjust or unreasonable discrimination, preference, advantage, prejudice, or disadvantage in the provision of interstate or foreign communications service to complainant, complainant's customers, and to defendant's SICOM customers, in violation of section 202(a) of the Act;

(iv) Whether defendant imposed any rates, classifications, or practices applicable to interstate or foreign communications service provided to complainant, complainant's customers, or to defendant's SICOM customers, in violation of section 203(b) or 203(c) of the Act;

II. Whether complainant is entitled to any monetary damages as a result of any violation of the Act that may be found under issue I hereof and, if so, the amount thereof.

III. Whether the Commission should take any further action with respect to any violation of the Act that may be found under issue I hereof and, if so, the nature hereof.

7. *It is further ordered,* That W.U.'s motion to dismiss the complaint without a hearing is dismissed.

[1] Complainant has not implicated the New York Telephone Co. in the alleged improprieties.

[2] We are not adopting a section 214(a) issue; complainant has not raised a material question of fact of reduction or impairment of service to a "community, or part of a community." 47 U.S.C. 214(a).

Adopted: April 14, 1971.

Released: April 19, 1971.

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

[FR Doc.71-5625 Filed 4-21-71;8:50 am]

[Dockets Nos. 18308, 18793; FCC 71-364]

CHRISTIAN VOICE OF CENTRAL OHIO AND DELAWARE-GAHANNA FM RADIO BROADCASTING STATION, INC.

Memorandum Opinion and Order Revising Issues

In re application of Christian Voice of Central Ohio, Gahanna, Ohio, Docket No. 18308, File No. BPH-6137, and Delaware-Gahanna FM Radio Broadcasting Station, Inc., Delaware, Ohio, Docket No. 18793, File No. BPH-7004; for construction permits.

1. This proceeding now involves the mutually exclusive applications of Christian Voice of Central Ohio (hereinafter CVCO) and Delaware-Gahanna FM Radio Broadcasting Station, Inc. (hereinafter D-G) for new FM broadcast stations in Gahanna and Delaware, Ohio, respectively. Noting that this channel was assigned to Columbus, Ohio, at CVCO's request, that CVCO intends to serve the city of Columbus and the surrounding area, and that most of CVCO's principals reside and work in Columbus, the Review Board, at 15 FCC 2d 308 (1968), added the following suburban community issue:

To determine whether the proposal of Christian Voice of Central Ohio will realistically provide a local transmission facility for its specified station location and in light thereof, whether the application of Christian Voice of Central Ohio should be considered, for purposes of the determination to be made herein under section 307(b) of the Communications Act of 1934, as amended, a proposal for Gahanna.

Thereafter, upon the request of the Broadcast Bureau, the Review Board, relying on Berwick Broadcasting Corp., 20 FCC 2d 393 (1969), held that a suburban community issue relates to the basic qualifications of the applicant against whom it is specified and, at 22 FCC 2d 13 (1970), modified the above issue to read as follows:

To determine whether the proposal of Christian Voice of Central Ohio would realistically provide a transmission service for Gahanna, Ohio, or for another larger community.

2. CVCO has filed an application for review of the Review Board's latter action,[1] claiming that there is no valid reason for changing this suburban community inquiry into a potentially disqualifying issue. CVCO asserts that the Board's decision was based solely on Berwick, but that Berwick is not controlling, since the facts here are not comparable to the facts in that case. CVCO points out that Berwick dealt with the FM application of P.A.L. Broadcasters, Inc., the licensee of an AM station in Wilkes-Barre, Pa.; that, although P.A.L.'s request for allocation of an FM channel to Wilkes-Barre had been rejected and the channel had been assigned to White Haven, Pa., P.A.L. applied for the channel, specifying Pittston, Pa., a suburb of Wilkes-Barre, as its principal community; and that P.A.L. proposed a transmitter site permitting a principal city signal over all of Wilkes-Barre.

3. In view of the circumstances in Berwick, suggesting that P.A.L.'s proposal might conflict directly with the earlier determination to use the channel as a first local transmission service for a community other than Wilkes-Barre, CVCO recognizes that a disqualifying issue to determine whether P.A.L. would provide a realistic local transmission service for its specified station location was appropriate. However, CVCO contends that, in the present case, even if it is assumed that this proposal will provide a transmission service for Columbus rather than for Gahanna, there would be no conflict with the determinations made in allocating this channel to the Columbus area. In this connection, CVCO notes that, in response to its request, an FM channel was originally allocated to New Albany, Ohio,[2] because a substantial number of persons expressed support for CVCO's religious programing proposal and because a station located in New Albany, only 12 miles from Columbus, would be able to serve a large proportion of the people in the county surrounding Columbus. 1 FCC 2d 1060 (1965). Under these circumstances, CVCO concludes that the Board's action should be reviewed and that the present suburban community issue should be revised.[3]

4. Both D-G and the Broadcast Bureau have filed oppositions to CVCO's application for review. D-G argues primarily that CVCO's proposal is designed to provide programing service for the greater Columbus area, that it would be unfair to give CVCO a preference under section 307(b) as a Gahanna station if it is essentially a Columbus proposal, and that the suburban community issue should not be deleted.[4] The Broadcast Bureau, on the other hand, urges that there is a substantial question as to the identity of CVCO's principal community; that CVCO's proposal could not qualify as a Columbus station because it would not provide a 70 dbu signal to all of that city as required by § 73.315(a) of the rules; and that, if CVCO's proposal is found to be a transmission service for Columbus and if CVCO's application is granted, it would be a substandard Columbus station.

5. While we recognize the gravity of the Bureau's contentions, we are persuaded that the suburban community inquiry concerning CVCO's proposal should not be a disqualifying issue under the circumstances of this proceeding. In Berwick, *supra*, we gave the suburban community issue disqualifying effect because of the circumstances suggesting that the channel might be used in a manner directly conflicting with our allocation of the channel as a transmission service for a community other than Wilkes-Barre. Here, however, a channel was allocated to the Columbus area upon CVCO's request, and this channel was assigned to Columbus with the understanding that CVCO would seek a license for the facility.

6. Moreover, we have for a number of years permitted applicants to use channels such as this one for certain unlisted communities under § 73.203(b) of the rules with the knowledge that the station licensed to an unlisted community might provide good service for the listed community. See notice of proposed rule making concerning the amendment of § 73.203(b), FCC 68-65, released January 22, 1968. Thus it is clear that CVCO's proposal is consistent with the present application of our rules. Without foreclosing the possibility of a future rule making proceeding concerning this general problem, we are convinced that it would be inappropriate, in view of the facts in this case, to deny CVCO's FM application simply because it may attempt to serve the entire metropolitan area.[5] For these reasons, we shall grant CVCO's application for review and revise the suburban community issue insofar as it concerns CVCO's proposal.

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[1] CVCO filed its application for review on Mar. 13, 1970. In addition, CVCO filed a supplement to its application for review on Apr. 9, 1970; D-G and the Broadcast Bureau filed oppositions on Apr. 14, 1970; and CVCO filed a reply on Apr. 24, 1970.

[2] Due to subsequently discovered spacing considerations, the New Albany channel was deleted and, with the support of CVCO as a potential applicant, the present channel was allocated to Columbus. 8 FCC 2d 159 (1967).

[3] CVCO, nonetheless, urges that a similar, disqualifying issue specified against D-G should not be modified, since D-G's application was filed under the provisions of § 1.525 (b) of the rules and since it would not have been accepted if D-G had specified a community other than Delaware as its station location. In view of the fact that D-G's status as an applicant in this proceeding is dependent upon its specification of Delaware as its station location, CVCO is correct that the suburban community inquiry with respect to D-G's proposal is properly a disqualifying issue. Cf., Woodland Broadcasting Company v. Federal Communications Commission, 414 F. 2d 1160, 16 RR 2d 2061 (1969).

[4] CVCO did not file an application for review of the Board's original action adding the suburban community issue. In the light of the allegations concerning CVCO's proposal, the Board's addition of the Suburban community issue for the purposes of any section 307(b) comparison was clearly correct, and there is no basis upon the present record for any change in that determination.

[5] As we noted in footnote 4, this does not mean that CVCO is entitled to a preference under section 307(b) as an applicant for Gahanna without establishing that it will provide a realistic transmission service for that community.

7. *Accordingly, it is ordered:*

(a) That the application for review filed March 13, 1970, by Christian Voice of Central Ohio is granted;

(b) That the memorandum opinion and order, FCC 70R-80, 22 FCC 2d 13, released by the Review Board on March 6, 1970, is set aside to the extent that it specified a disqualifying suburban community issue against Christian Voice of Central Ohio; and

(c) That the suburban community issue concerning the application of Christian Voice of Central Ohio is revised to read as follows:

To determine whether the proposal of Christian Voice of Central Ohio will realistically provide a local transmission facility for its specified station location and, in light thereof, whether the application of Christian Voice of Central Ohio should be considered as a proposal for Gahanna, Ohio, for the purpose of the determination to be made herein under section 307(b) of the Communications Act of 1934, as amended.

Adopted: April 8, 1971.

Released: April 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-5626 Filed 4-21-71; 8:50 am]

[Report No. 540]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 19, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is substantially amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

3760-C2-P-71 (Resubmitted)—Cahill Answering Services, Inc. (KQZ774), C.P. for an additional channel to operate on 158.70 MHz at station located at 203 South Capitol Avenue, Lansing, MI.

5583-C2-P-(2)71—Kerrville Telephone Co. (KFJ892), C.P. to replace transmitter operating on 152.78 MHz; add frequency 152.66 MHz and change the antenna system located on Highway No. 16, 5 miles northeast of Kerrville, Tex.

5660-C2-P-71—Chickamauga Telephone Corp. (New), C.P. for a new 2-way station to be located at Grand Center Road, 1 mile west of Chickamauga, Ga., to operate on frequency 152.54 MHz.

5661-C2-P-71—Seattle Radiotelephone Service (KOA733), C.P. to add frequency 152.21 MHz at location No. 2: Seattle-First National Bank Building, Seattle, Wash.

5666-C2-P-71—Lake Shore Communications (New), C.P. for a new 1-way station to be located at 60351 Ironwood Road, South Bend, IN, to operate on frequency 152.240 MHz.

5667-C2-P-71—Souris River Telephone Mutual Aid Corp. ((KAI930), C.P. to add frequency 152.63 MHz at station located at 11.5 miles south and 2 miles west of Minot, N. Dak.

1880-C2-P-71 (Resubmitted)—Telephone Answering Service (New), C.P. for a new 1-way station to be located at 3050 South Sandstone Road, Jackson, MI, to operate on frequency 158.70 MHz.

5681-C2-P-(2)71—Illinois Bell Telephone Co. (KSC881), C.P. to replace transmitters operating on frequency 454.950 MHz base and 454.675 MHz signaling; change the antenna system and relocate facilities to No. 10 South Canal Street, Chicago, IL (Air-Ground station).

5682-C2-P-(2)71—Contact-Colorado Springs, Inc. (New), C.P. for a new 1-way station to be located at 1226 North Prairie Road, Colorado Springs, CO, to operate on frequency 152.24 MHz.

Corrections

7378-C2-P-(5)69—Electrocom Corp. (New), Correct to read: (KCI297), C.P. for additional base channels at location No. 2: 111 Perkins Street, Boston, MA, to operate on frequencies 454.175, 454.325, and 454.350 MHz and at location No. 3: On Nobscott Hill, 5 miles north of Framingham, Mass., to operate on frequencies 454.075 and 454.275 MHz, see Public Notice dated June 16, 1969, Report No. 444.

3319-C2-P-71—Electrocom Corp. (KCI927), Correct to read: Major Amendment: Amended to add frequency 454.100 MHz at location No. 2: Same as above, see Public Notice dated Jan. 1, 1971, Report No. 525.

5074-C2-(2)71—Correct the name of applicant to read: Morrison Radio Relay Corp. (New), All other particulars same as reported on Public Notice dated Mar. 29, 1971, Report No. 537.

RURAL RADIO SERVICE

5668-C1-P/L-71—United Telephone Co. of Florida (New), C.P. and license for a new rural subscriber station to be located at Mondongo Island, 3.9 miles west-northwest of Pineland, Fla., to operate on frequencies 157.89 and 157.95 MHz communicating with Station KIJ354, Fort Myers, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5584-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJK30), C.P. to add frequencies 11,365 and 11,605 MHz toward Blairs, Va., a new point of communication. Station location: 730 Main Street, Danville, VA.

5585-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (New), C.P. for a new station to be located at 2.7 miles east of Blairs, Va. Frequencies: 10,915 and 11,155 MHz toward Danville, Va., and 6137.9 and 10,955 MHz toward South Boston, Va.

5586-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJK46), C.P. to add frequencies 6390.0 and 11,525 MHz toward Clover, Va., and 6360.3 and 11,405 MHz toward Blairs, Va., a new point of communication. Station location: Approximately 3 miles west of South Boston, Va.

5587-C1-P-71—The Chesapeake & Potomac Telephone Co. of Virginia (KJK45), C.P. to add frequencies 6108.3 and 11,075 MHz toward South Boston, Va., and 5960.0 and 10,775 MHz toward Chase City, Va., a new point of communication. Station location: Near the intersection of State Road No. 746 and Southern Railway, within the town of Clover, Va.

5588-C1-P-71—United Telephone Co. of the Northwest (New), C.P. for a new station to be located 400 feet south-southwest of the intersection of Sixth and Harrison Streets, Sunnyside, WA. Frequencies: 11,405 and 11,645 MHz toward Bluelight Mountain, Wash.

5669-C1-P-71—Southwestern Bell Telephone Co. (KYJ50), C.P. to add 5952.6 and 11,115 MHz toward Star City, Ark., a new point of communication. Station location: 720 Beech, Pine Bluff, AR.

5670-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2 miles west-northwest of Star City, Ark. Frequencies: 6204.7 and 11,565 MHz toward Pine Bluff, Ark., and 6189.8 and 11,365 MHz toward Monticello, Ark.

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[5] Commissioner Bartley dissenting.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

5671-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located 3.5 miles north-northwest of Monticello, Ark. Frequencies: 5952.6 and 11,115 MHz toward McGehee, Ark., and 5937.8 and 10,915 MHz toward Star City, Ark.

5672-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at Monroe and Highway 4, McGehee, Ark. Frequencies: 6204.7 and 11,565 MHz toward Monticello, Ark.

5673-C1-P-71—Southwestern Bell Telephone Co. (KCL85), C.P. to add frequencies 10,895 and 10,975 MHz toward Dunbarton, N.H. Station location: 25 Concord Street, Manchester, NH.

5674-C1-P-71—Southwestern Bell Telephone Co. (KZI59), C.P. to add frequencies 11,225 and 11,465 MHz toward Manchester, N.H. Station location: 1 mile north of Dunbarton, N.H.

5675-C1-P/ML-71—American Telephone & Telegraph Co. (KGF61), C.P. and modification of license to change frequencies and point of communication to 3750, 3770, 3830, 3850, 3910, 3930, 4010, 4090, 4150, and 4170 MHz toward Fairlee, Md. Station location: 320 St. Paul Place, Baltimore, Md. previously directed toward Essex, Md.

5676-C1-P/ML-71—American Telephone & Telegraph Co. (KGH24), C.P. and modification of license to change frequencies and point of communication from Essex, Md., to Baltimore, Md. Frequencies to 3710, 3730, 3790, 3810, 3870, 3890, 3970, 4050, 4110, and 4130 MHz. Station location: 0.8 mile south of Fairlee, Md.

5677-C1-P-71—Puerto Rico Communications Authority (WWM22), C.P. to add frequency 2122.5 MHz toward Aibonito, P.R., via passive reflector. Station location: Cerro Las Pinas, 5.9 miles southwest of Caguas, P.R.

5678-C1-P-71—Puerto Rico Communications Authority (New), C.P. for a new station to be located 53 Geronimo Martinez, Aibonito, P.R. Frequency: 2164.5 MHz toward Caguas, P.R., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

Major Amendment

3480-C1-P-71—Mountain Microwave Corp. (New), Application amended to change frequencies from 10,735 MHz and 10,975 MHz to 11,135 and 11,055 MHz toward Mustang Hill, Colo., on azimuth 345°09'. Station location: Bartlett Mesa, N. Mex. Other particulars are unchanged. See Public Notice dated Jan. 11, 1971.

[FR Doc.71-5629 Filed 4-21-71;8:50 am]

FEDERAL MARITIME COMMISSION

BLUE SEA LINE AND SEAWAY LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Alfredo C. Duarte, President, Seaway Lines, Inc., 530 Biscayne Boulevard, Miami, FL 33132.

Agreement No. 9940 between Blue Sea Line and Seaway Lines, Inc. establishes a through billing arrangement for the carriage of cargo from Hong Kong, Japan, and the Philippines to Charlotte Amalie, St. Thomas, and Christiansted, St. Croix in the U.S. Virgin Islands, Phillipsburg (St. Maarten), Basseterre (St. Kitts), St. John's (Antigua), Plymouth (Montserrat), Roseau (Dominica), Fort de France (Martinique), Castries (St. Lucia), Bridgetown (Barbados), St. George's (Grenada), and Port of Spain (Trinidad) with transshipment in Miami, Fla., in accordance with the terms set forth in the agreement.

Dated: April 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5617 Filed 4-21-71;8:49 am]

CITY OF PORT HURON, MICH., AND PORT HURON TERMINAL CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Raymond E. Straffon, Jr., Planning Director, City of Port Huron, County-City Building, Port Huron, MI 48060.

Agreement No. 8795-4, between the city of Port Huron (Port) and the Port Huron Terminal Co. (Terminal), modifies the basic agreement which provides for the lease of certain facilities in the city of Port Huron, Mich. The purpose of the modification is to provide that the Terminal will enjoy the use of a building it constructed rent free until the expiration of the basic agreement, and that the Port will pay Terminal $18,000 as final payment of its share of improvements. The modification also provides that if the agreement is terminated before its expiration date, and the Port has paid Terminal the above sum, the Port will have no further financial obligations to Terminal regarding the agreement.

Dated: April 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5618 Filed 4-21-71;8:49 am]

COMPAGNIE MARITIME BELGE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW.,

Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. N. Lala, Vice President, Traffic and Sales, Netumar International, Inc., 67 Broad Street, New York, NY 10004.

Agreement No. T-743-A, between Compagnie Maritime Belge (Lloyd Royal) S.A., Compagnie Maritime Congolaise S.C.R.L. (herein collectively referred to as Belgian Line), and Companhia de Navegacao Maritima Netumar (Netumar), provides for the sublease of certain facilities at New York to Netumar from Belgian Line at the same rental and under the same conditions as set forth in the main lease, Agreement No. T-743, as amended.

Dated: April 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5619 Filed 4-21-71;8:49 am]

THAILAND/U.S. ATLANTIC & GULF CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8100-7 is a modification of the Thailand/U.S. Atlantic & Gulf Conference's basic agreement which has been filed in an effort to comply with the Federal Maritime Commission's requirements concerning Self-Policing Systems, General Order 7 (Revised) as published in the FEDERAL REGISTER of October 28, 1970 (35 F.R. 16679).

Dated: April 16, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-5620 Filed 4-21-71;8:50 am]

[Docket No. 71-37]

MATSON NAVIGATION CO., ET AL.

Order To Show Cause Regarding Purchase of Ships

Testimony in Docket No. 70-51, Agreement of Merger No. 9827-1 Among R. J. Reynolds Tobacco Company, RJI Corporation, Sea-Land Service, Inc.; and Walter Kidde & Company, Inc., United States Lines, Inc., has raised a question as to the legality under section 15 of the Shipping Act, 1916, of Sea-Land Service, Inc.'s acquisition of two vessels originally ordered by Matson Navigation Co.

Matson, in August of 1968, ordered two SL-18 ships from shipyards in Germany. Those two ships were subsequently sold to Reynolds Leasing Corp. in October of 1970. Testimony of witnesses in Docket No. 70-51, supra, indicates that Sea-Land through Reynolds purchased the ships directly from Matson for a sum of between $13 and $16 million per ship for each of the two ships. Testimony also indicates that Sea-Land has in fact consummated the purchase and taken delivery of at least one of the two vessels.

Section 15 of the Shipping Act, 1916, provides in pertinent part that:

* * * every common carrier by water * * * shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier * * * to which it may be a party or conform in whole or in part, * * * controlling, regulating, preventing, or destroying competition * * *. The term "agreement" in this section includes understandings, conferences, and other arrangements.

* * * * *

Any agreement and any modification or cancellation of any agreement not approved, or disapproved, by the Commission shall be unlawful, and agreements, modifications, and cancellations shall be lawful only when and as long as approved by the Commission; before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

The agreement between Matson and Sea-Land would appear to require approval under section 15, and, therefore, unless they can offer valid reasons which would justify their failure to file the agreement under section 15, they must be held to be in violation of that section of the Shipping Act, 1916 (46 U.S.C. 814).

Now, therefore, it is ordered, Pursuant to sections 22 and 15 of the Shipping Act, 1916, that Reynolds Leasing Corp., Sea-Land Service, Inc., and Matson Navigation Co. be named respondents in this proceeding and that they be ordered to show cause why the Commission should not find their action with regard to the sale and purchase of the two ships in question without Commission approval to be in violation of section 15 of the Shipping Act, 1916.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavits. Requests for hearing shall be filed on or before May 7, 1971. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business May 7, 1971. Reply affidavits and memoranda shall be filed by the Commisson's Bureau of Hearing Counsel and intervenors, if any, no later than the close of business May 17, 1971. Oral argument will be scheduled, if requested by the parties, or deemed necessary by the Commission.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business April 30, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original

and 15 copies, as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-5615 Filed 4-21-71;8:49 am]

[Docket No. 71-38]

OAHU RAILWAY AND TERMINAL WAREHOUSING CO., LTD.

Order of Investigation and Suspension

Oahu Railway and Terminal Warehousing Co., Ltd., has filed with the Federal Maritime Commission, Second Revised Page No. 24 to its Tariff FMC-F No. 1 to become effective April 22, 1971. This page increases the rate and minimum charges on Freight, All Kinds, between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said tariff page, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Second Revised Page 24 to Tariff FMC-F No. 1 is suspended and the use thereof deferred to and including August 22, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Oahu Railway and Terminal Warehousing Co., Ltd., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until August 23, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Oahu Railway and Terminal Warehousing Co., Ltd., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and annuonced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-5616 Filed 4-21-71;8:49 am]

[Docket No. 71-30]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Order of Investigation and Suspension

This proceeding involves an investigation of increased rates of Transamerican Trailer Transport, Inc. (TTT), in the U.S. Atlantic Puerto Rico Trade. Our order of investigation set April 14, 1971, as the date by which TTT would be required to furnish written direct testimony, exhibits and work papers in support of its rate increases. Hearing was scheduled for April 26, 1971.

TTT has now moved for postponement until further notice of the above-mentioned filing and hearing dates. Hearing Counsel oppose the motion but, upon weighing TTT's alleged inability to properly present its case within the proposed time schedule against the need for expeditious handling of a suspended rate case, would suggest a certain revision of the time schedule.

While we are not persuaded as to the accuracy or relevancy of much of the reasoning underlying TTT's request, it appears that a certain amount of additional time would be warranted under the circumstances.

Accordingly, it is ordered that the Order of Investigation and Suspension in this proceeding be amended to reflect that TTT must furnish to the Commission written direct testimony, exhibits and work papers in support of its rate increases no later than May 10, 1971, and that hearing in this proceeding will be held at 10 a.m. on May 24, 1971, 1405 I Street NW., Washington, DC, at which time TTT shall present its direct case. The order remains unchanged in all other respects.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-5614 Filed 4-21-71;8:49 am]

FEDERAL RESERVE SYSTEM

MID-OHIO BANC-SHARES, 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 Mid-Ohio Banc-Shares, Inc., which is a bank holding company located in Mansfield, Ohio, for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Farmers and Savings Bank of Loudonville, Ohio, Loudonville, Ohio.

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 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 Cleveland.

By order of the Board of Governors, April 15, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-5571 Filed 4-21-71;8:45 am]

SECURITY FINANCIAL SERVICES, 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 Security Financial Services, Inc., which is a bank holding company located in Sheboygan, Wis., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Farmers-Merchants National Bank in Princeton, Princeton, Wis.

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 Chicago.

By order of the Board of Governors, April 15, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-5572 Filed 4-21-71;8:45 am]

FIRST SEBANCO, 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)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First Sebanco, Inc., Glendive, Mont., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 50.4 percent of the outstanding voting shares of First Security Bank of Glendive, Glendive, Mont.

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 Minneapolis.

By order of the Board of Governors, April 16, 1971.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[FR Doc.71-5573 Filed 4-21-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[31-712]

CHASE MANHATTAN SERVICE CORP. AND FIRST NATIONAL BANK OF SOUTH CAROLINA

Notice of Filing of Application for Order Declaring Applicants Not To Be Electric Utility Companies

APRIL 15, 1971.

Notice is hereby given that Chase Manhattan Service Corp. (Chase), 1 Chase Manhattan Plaza, New York, NY 10015, and First National Bank of South Carolina (First), Post Office Box 111, Columbia, SC 29202, have filed an application for an order declaring that neither Chase nor First will become "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Chase, all of whose outstanding capital stock is owned by The Chase National Bank (National Association), a commercial bank organized under the laws of the United States, is a business corporation organized under the laws of the State of New York. First is a commercial bank organized under the laws of the United States and all of its capital stock is owned by First Bankshares Corporation of South Carolina, a South Carolina corporation. Neither of the parent corporations of Chase nor First is at present either a holding company or a subsidiary company of a holding company, as defined in the Act. If Chase or First were to become or be deemed to be an electric utility company under the Act as a result of the proposed transactions described below, their respective parent corporations would be holding companies under the Act.

South Carolina Electric & Gas Co. (SCEG) is an electric utility company organized under the laws of the State of South Carolina and is subject to the jurisdiction of the Public Service Commission of South Carolina. SCEG has placed purchase orders with General Electric Co. for two gas turbine generating units and accessory equipment (the "Generators") for an aggregate purchase price of approximately $5,100,000. If the proposed transactions are consummated, SCEG would assign its right to buy the Generators to First, acting as trustee (the "Trustee") for the benefit of Chase and of the institutional investors referred to below. The Trustee would then purchase the Generators directly from the manufacturer and lease them to

SCEG under a lease (the "Lease") having an initial term of approximately 25 years. SCEG would have the right to buy the Generators at the end of the term for their then fair market value. The Trustee would borrow approximately 76 percent of the funds required to purchase the Generators from institutional investors, who would receive equipment trust notes bearing a fixed rate of interest and maturing 3 years prior to the end of the term of the Lease. The equipment trust notes would be obligations of the Trustee, payable solely out of the proceeds of the Lease, and would be secured by a security interest in the Generators and the Lease. The remaining 24 percent of the purchase price would be advanced to the Trustee by Chase as an investment in the beneficial ownership of the Generators.

The Lease would be a net lease under which SCEG would be responsible for maintaining, repairing, and insuring the Generators and for paying substantially all taxes, assessments, and other costs arising from the possession and use thereof. The rentals to be paid by SCEG to the Trustee during the initial term of the Lease would be calculated to provide funds sufficient to pay the principal of and interest on the equipment trust notes and to return Chase's equity investment. After the initial term has expired, Chase would be entitled to receive any proceeds realized from leasing or selling the Generators to SCEG or to others.

SCEG has applied to the South Carolina Public Service Commission for authority to enter into the Lease and related agreements and has received an order therefor. In said order Chase and First were declared exempt from regulation as an "electric utility" by the South Carolina Public Service Commission.

Neither Chase, in its individual capacity, nor First, in its individual capacity or as Trustee, would receive any revenue from the sale of electric energy generated by the Generators.

Each of the applicants alleges that it is a company primarily engaged in one or more businesses other than the business of an electric utility company and that, by reason of the fact that no electric energy will be sold by it as a result of the proposed transaction, it is not necessary in the public interest or for the protection of investors or consumers that it be considered an electric utility company for the purposes of the Act.

Notice is further given that any interested person may, not later than May 3, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date the Commission may grant exemption requested, or take such action as it deems appropriate.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5580 Filed 4-21-71;8:46 am]

[811-1576]

CONSTELLATION CAPITAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 15, 1971.

Notice is hereby given that The Constellation Capital Fund, Inc., c/o O'Melveny & Myers, 611 West Sixth Street, Los Angeles, CA 90017, (Applicant), a Delaware corporation registered as a management open-end diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant obtained its initial capital of $238,000 from the issuance of 23,800 shares of common stock to 17 persons who purchased such shares for investment in a private offering. No additional shares were issued except to existing shareholders upon a stock split in the form of a stock dividend and upon reinvestment of income dividends and capital gains distributions.

The proposed public offering of Applicant's securities was postponed several times and was finally abandoned in February 1970. At a special meeting held on April 22, 1970, Applicant's share holders approved the winding up and dissolution of Applicant. Thereafter, Applicant ceased business operations, sold its portfolio securities, discharged its obligations, and distributed its remaining assets in cash to its shareholders in cancellation of all issued and outstanding shares. A Certificate of Dissolution was filed by Applicant with the Secretary of State of Delaware on June 22, 1970. Applicant has been dissolved and has ceased to exist except for the limited purposes specified in the Delaware Corporation Law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 7, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-5581 Filed 4-21-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

QUAKER CITY INVESTMENT CORP.

Notice of License Surrender

Notice is hereby given that Quaker City Investment Corp., 6701 North Broad Street, Philadelphia, PA 19126, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Quaker City Investment Corp. was licensed as a small business investment company on January 23, 1964, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled and terminated.

A. H. SINGER,
Associate Administrator for Investment.

APRIL 9, 1971.

[FR Doc.71-5578 Filed 4-21-71;8:46 am]

[Delegation of Authority No. 30, Rev. 13; Amdt. 1]

REGIONAL DIRECTORS ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), published March 30, 1971, is hereby amended by revising Part IV, section B., to read as follows:

PART IV—PROCUREMENT AND MANAGEMENT ASSISTANCE

* * * * *

Sec. B. *Section 8(a) contracting authority.* 1. To enter into contracts, not exceeding the following amounts, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to the terms and conditions of such contracts:

a. Regional director ..... Unlimited
b. Chief, Regional PMA Division, Region IX $100,000

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

a. Regional Director.
b. Chief, Regional PMA Division, Region IX.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract, not exceeding the following amounts, to be let by any such officer:

a. Regional Director ..... Unlimited
b. Chief, Regional PMA Division, Region IX $100,000

* * * * *

Effective date: April 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-5579 Filed 4-21-71;8:46 am]

CIRCLE K INVESTMENT CORP.

Notice of Issuance of a License To Operate as a Minority Enterprise Small Business Investment Company

On March 27, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 5820) stating that Circle K Investment Corp., 900 Magoffin Avenue, El Paso, TX 79901, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), for a license to operate as a minority enterprise small business investment company (MESBIC).

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 10/10-5158, dated April 8, 1971, to Circle K Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: April 12, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-5592 Filed 4-21-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

ARISTA MILLS CO.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of March 15, 1971, the U.S. Tariff Commission made its report to the President of the results of an investigation (TEA-W-57) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted by three former employees of Arista Mills Co., Winston-Salem, N.C. The report contained the Commission's affirmative finding that articles like or directly competitive with fabrics of the kind produced by the Arista Mills Co., Winston-Salem, N.C., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, unemployment or underemployment of a significant number or proportion of the workers of such company.

Upon receipt of the Commission's report, the Department's Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation, following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 5821; 29 CFR Part 90). In that recommendation it was noted that unemployment or underemployment began November 24, 1969. It was also noted that all production in the textile plant had ceased in March 1970, and that the last of the employees retained for closing out operations would be laid off in April 1971. After due consideration, I make the following certification:

All hourly and salaried workers engaged in the textile operations of the Arista Mills Co., located at Winston-Salem, N.C., who became, or will become, unemployed or underemployed after November 24, 1969, and before April 30, 1971, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 14th day of April 1971.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Ajustment Policy.

[FR Doc.71-5584 Filed 4-21-71;8:46 am]

JODI SHOE CO. ET AL.

Certification of Eligibility of Workers To Apply for Adjustment Assistance; Notice of Investigations

After reviewing the Tariff Commission's reports on its investigations of 11 petitions for adjustment assistance filed on behalf of workers formerly employed by the following firms, under section 301(c)(2) of the Trade Expansion Act of 1962, and in which reports the Commission being equally divided, made no finding, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has authorized the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved groups of workers.

TEA-W-37	Jodi Shoe Co., Derry, N.H.
TEA-W-38	Maine Shoe Corp., Brunswick, Maine.
TEA-W-39	Footflairs, Inc., Manchester, N.H.
TEA-W-40	Brown Shoe Co., Mattoon, Ill.
TEA-W-41	Goldberg Brothers, Inc., Haverhill, Mass.
TEA-W-44	National Ballet Makers, Inc., Medford, Mass.
TEA-W-47	Stage Door, Inc., Raymond, N.H.
TEA-W-49	Kramer Shoe Co., Inc., Haverhill, Mass.
TEA-W-54	Evangeline Shoe Corp., Manchester, N.H.
TEA-W-59	Bella Mia Footwear Manufacturing Co., Brooklyn, N.Y.
TEA-W-65	Johnson, Stephens & Shinkle Co., Vandalia, Ill.

In view of the Tariff Commission reports, the President's authorization, and the responsibilities delegated to the Secretary of Labor under Section 8 of Executive Order 11075 (28 F.R. 473), the Acting Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Acting Director, Office of Foreign Economic Policy, U.S. Department of Labor,

Washington, D.C. 20210, on or before April 26, 1971.

Signed at Washington, D.C., this 14th day of April 1971.

IRVING I. KRAMER,
Acting Director, Office of Foreign Economic Policy.

[FR Doc.71-5583 Filed 4-21-71;8:46 am]

WURLITZER CO.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

On February 2, 1971, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Piano and Musical Instrument Workers Union Local No. 2553, AFL-CIO, on behalf of workers of the De Kalb, Ill., Division of the Wurlitzer Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970 (35 F.R. 3645). In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certification of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of Office of Foreign Economic Policy instituted an investigation, following which a recommendation was made to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation 34 F.R. 18342 and 36 F.R. 2840; 29 CFR Part 90). In that recommendation it was reported that increased imports of pianos of the types covered by the Presidential Proclamation 3964 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers from the plant of the Wurlitzer Company in De Kalb, Ill. It was also reported that unemployment or underemployment began January 29, 1970, and has continued to the present.

After due consideration, I make the following certification:

All hourly and salaried workers of the Wurlitzer Co. plant at De Kalb, Ill., who became or will become unemployed or underemployed after January 29, 1970, are eligible to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 14th day of April 1971.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Adjustment Policy.

[FR Doc.71-5585 Filed 4-21-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 30]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 16, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 198), filed March 11, 1971. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, ID 83201. Applicant's representative: Wayne G. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Public Service Company of New Mexico (San Juan Station), located at or near Waterflow, N. Mex., as an off-route point in connection with carrier's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 1759 (Sub-No. 26), filed March 19, 1971. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, CT 06904. Applicant's representative: Reubin Kaminsky, Post Office Box 17-067; 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread stuffing*, in packages, in cartons, from Albany, N.Y., to Greenwich, Conn.; Brooklyn, Brentwood, Franklin Square, Garden City, Mount Vernon, New Rochelle, Plainview, Riverhead, Shirley, Syosset, Tuckahoe, Valley Stream, and Yonkers, N.Y.; and Clifton, Emerson, and Fairfield, N.J. NOTE: Applicant states

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

that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 2202 (Sub-No. 393), filed March 30, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and James W. Conner, Post Office Box 471, Akron, OH 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, fertilizer, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (a) between Norfolk, Va., on the one hand, and, on the other, Laurel, Md.; and (b) between Norfolk, Va., on the one hand, and, on the other, Kernersville, N.C. Restriction: The operating authority sought above is restricted against the transportation of shipments originating at or destined to Norfolk, Va., and points within its commercial zone, moving to or from New York, N.Y.; Newark and Mahwah, N.J.; Philadelphia, Pa.; Wilmington, Del.; Baltimore, Md.; and Washington, D.C., and points within their respective commercial zones. NOTE: Applicant states it intends joinder at Laurel, Md., and Kernersville, N.C., to provide service to all authorized points as presently authorized from Norfolk, Va. The purpose of this application is to establish alternate gateways for traffic moving between Norfolk, Va., and other roadway terminals. Presently, all traffic must observe a Richmond, Va., gateway. Part (a) is to establish a northern gateway for traffic moving between the northern terminals, while Part (b) is to establish a southern gateway for the balance of the terminals. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 96), filed March 26, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat* in boxes, in vehicles equipped with mechanical refrigeration, from Tampa, Jacksonville, and Miami, Fla., to points in Alabama, Georgia, Illinois, Indiana, Ohio, North Carolina, Pennsylvania, South Carolina, and Tennessee. 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 New York, N.Y., or Tampa, Fla.

No. MC 2900 (Sub-No. 211), filed March 22, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland. Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon Black*, in packages, from Cabot, La., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan (Lower Peninsula), New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee (except Memphis), Virginia, West Virginia, Wisconsin, and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Jacksonville, Fla., or Atlanta, Ga.

No. MC 30844 (Sub-No. 353), filed March 29, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Rhode Island, and Washington, D.C., restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 30844 (Sub-No. 354), filed March 29, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant), and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages*, loose or in cartons, and *aquarium accessories, supplies, and equipment*, in straight or mixed shipments, from East Paterson, Paterson, Maywood, and Hackensack, N.J., to points in Alabama, Delaware, Florida, Georgia, Maryland, Mississippi, North Carolina, South Carolina, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 33513 (Sub-No. 1), filed March 19, 1971. Applicant: PADULA BROS., INC., 437 11th Avenue, New York, NY 10018. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture and equipment*, between the facilities of Padula Bros., Inc., at North Bergen, N.J., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Restricted to shipments having prior or subsequent 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 New York, N.Y.

No. MC 39395 (Sub-No. 5), filed March 8, 1971. Applicant: NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Robert R. Hollis, 1125 Commonwealth Building, Portland, OR 97204. 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 described by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving Longview and Kelso, Wash., as off-route points in connection with carrier's authorized regular route operations between Portland, Oreg., and Astoria, Oreg., over U.S. Highway 30, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Longview, Wash.

No. MC 40235 (Sub-No. 32), filed March 26, 1971. Applicant: I.R.C. & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, IN 47374. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the off-route points of Rushville and Arlington, Ind., in connection with applicant's authorized regular route. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Indianapolis, Ind., or Columbus, Ohio.

No. MC 44639 (Sub-No. 32), filed March 26, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., and Roanoke, Va. NOTE: Applicant states that operations under the proposed application will include a through service to all points served by applicant by tacking at Crewe, Va., to New York and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va.

No. MC 51146 (Sub-No. 205) filed March 26, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and products* produced or distributed by manufacturers and converters of paper and paper products, from Mobile and Bay Minette, Ala.; Springhill and Bastrop, La., and Moss Point, Miss.; to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming to Mobile and Bay Minette, Ala.; Springhill and Bastrop, La.; and Moss Point, Miss. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. 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 Washington, D.C.

No. MC 51146 (Sub-No. 206), filed March 26, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and returned or rejected shipments*, from South Bend, Ind., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 207), filed March 29, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and related accessories*, from Vandalia, Ill.; Jeffersonville, Ind.; and Louisville, Ky.; to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 208), filed March 29, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and equipment, materials, and supplies* used in the manufacture and distribution of metal containers and container ends, from Plymouth, Ind., to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 209), filed March 29, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Brown County, Wis., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Upper Peninsula of Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 53965 (Sub-No. 72), filed March 17, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Oklahoma City, Okla., and Liberal, Kans., over Interstate Highway 40 to its intersection with U.S. Highway 270, thence over U.S. Highway 270 to Liberal, Kans., and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular route authority, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 55889 (Sub-No. 38), filed March 22, 1971. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, AL 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004, and Kenneth A. Roberts, 1026 17th Street 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, 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), (1) between Jacksonville, Fla., and Nashville, Ga., from Jacksonville over Interstate Highway 10 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 84, thence

over U.S. Highway 84 to junction Georgia Highway 125, thence over Georgia Highway 125 to junction U.S. Highway 129, thence over U.S. Highway 129 to Nashville, and return over the same routes, serving the junction of Interstate Highway 75 and U.S. Highway 84 for purposes of joinder only; and (2) between the junction of U.S. Highway 84 and Interstate Highway 75 and New Orleans, La., from junction of U.S. Highway 84 and Interstate Highway 75 over U.S. Highway 84 to Andalusia, Ala., thence over U.S. Highway 29 to junction U.S. Highway 31, thence over U.S. Highway 31 to Mobile, Ala., thence over U.S. Highway 90 to New Orleans, La., and return over the same routes, serving all intermediate points in Alabama and Georgia. NOTE: Applicant 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 Jacksonville, Fla., Valdosta, Ga., or Mobile, Ala.

No. MC 67450 (Sub-No. 36), filed March 12, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products and blends*, in bulk, from Keokuk, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 38), filed March 12, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76032 (Sub-No. 281), filed March 29, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, Mo., and Cleveland, Ohio, from St. Louis over Interstate Highway 70 and U.S. Highway 40 to junction Interstate Highway 71 at Columbus, Ohio, thence over Interstate Highway 71 to Cleveland, Ohio, and return over the same route, and serving the intermediate and off-route points of Indianapolis, Ind., and Dayton, Ohio, restricted (1) to the transportation of traffic received from or delivered to connecting carriers at Indianapolis, Ind., and Dayton, Ohio; and (2) to the transportation of traffic originating at or destined to points west of St. Louis, Mo., or east of Cleveland, Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 77972 (Sub-No. 18), filed March 25, 1971. Applicant: MERCHANTS TRUCK LINE, INC., 100 Summer Street (Post Office Box 908), New Albany, MS, 39652. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building (Post Office Box 22628), Jackson, MS 39205. 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, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), (1) between Vaiden, Miss., and Brookhaven, Miss.: From Vaiden to Brookhaven over Interstate 55 (when completed) and/or U.S. Highway 51, and return over the same route, serving no intermediate points; (2) between Jackson, Miss., and Mendenhall, Miss.: From Jackson to Mendenhall over U.S. Highway 49, and return over the same route, serving no intermediate points, and serving Jackson as a point of joinder only; (3) between Walnut Grove, Miss., and Mount Olive, Miss.: From Walnut Grove to Mount Olive over Mississippi Highway 35, and return over the same route, serving no intermediate points; (4) between junction of U.S. Highway 82 and U.S. Highway 45–W near Mayhew, Miss., and Meridian, Miss.: From junction of U.S. Highway 82 and U.S. Highway 45–W near Mayhew, Miss., over U.S. Highway 45–W to junction of U.S. Highway 45; thence over U.S. Highway 45 to Meridian, Miss., and return over the same route, serving no intermediate points; and (5) between Columbus, Miss., and the junction of U.S. Highways 45 and 45–W at Brooksville, Miss.: From Columbus over U.S. Highway 82 to the junction of U.S. Highway 45; thence over U.S. Highway 45 to the junction of U.S. Highways 45–W and 45, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in (1) through (5) above, in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 83835 (Sub-No. 79), filed March 18, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and related machinery tools, parts and supplies*, from Columbus, Ohio, to points in New Mexico, Colorado, Nevada, Utah, Wyoming, California, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 95540 (Sub-No. 800), filed March 24, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Los Angeles, Calif., to points in Louisiana, Arkansas, Mississippi, Tennessee, Oklahoma, Virginia, Ohio, Kentucky, New York, New Jersey, Pennsylvania, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99902 (Sub-No. 4), filed March 26, 1971. Applicant: DAVE'S MOTOR TRANSPORTATION, INC., Logan International Airport, Boston, MA 02128. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Logan International Airport, Boston, Mass., on the one hand, and, on the other, Bradley Field, Windsor Locks, Conn., restricted to shipments having an immediately prior or immediately subsequent movement by air. NOTE: Applicant states that the requested authority could be tacked at Logan International Airport, Boston, Mass., but such tacking is not contemplated. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102567 (Sub-No. 142), filed March 25, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Joe 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 chemicals*, in bulk, from the plantsite and/or storage facilities of Georgia-Pacific Corp., at or near Plaquemine, La., to

points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of shipments originating at the above-described origins and destined to the above-described destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 103993 (Sub-No. 612), filed March 19, 1971. Applicant: MORGAN DRIVE-WAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (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, buildings and sections of building, from points in Park County, Mont., to points in the United States (except Hawaii and Alaska). 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 Butte, Mont.

No. MC 106398 (Sub-No. 537), filed March 22, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on wheeled undercarriages, from Logan County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 106398 (Sub-No. 538), filed March 19, 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 *frames and undercarriages*, from points in Ontario County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 107295 (Sub-No. 499), filed April 1, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, plastic sheeting, wall and ceiling panels, tile, moldings, and materials and accessories therefor*, from Lodi, N.J., to points in Texas, Louisiana, Ohio, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that should possible duplication be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 500), filed March 19, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox (same address as applicant) and Mach Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fencing, fencing post, gates and woven fabric* with all necessary fittings therefor, from Houston, Tex., to points in the United States (except Alaska, Illinois, Indiana, Iowa, Hawaii, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 107295 (Sub-No. 501) filed March 31, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof decking and accessories*, from Braddock, Pa., to all 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 Pittsburgh, Pa.

No. MC 107295 (Sub-No. 502), filed March 22, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, vents, louvers, shutters, suspension ceiling systems, ceiling grid, wall studding, channels, closet rods, caps, dampers, screens, grilles, glass frames and stops*, and *parts and fittings thereof*, and when shipped with any of the named commodities, accessories and promotional materials, from Tucker, Ga., to points in Alabama, Arkansas, Florida, Connecticut, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Fort Worth, Tex., Chicago and Mount Carroll, Ill., and Lodi, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107496 (Sub-No. 801) (Amendment), filed January 29, 1971, published in the FEDERAL REGISTER issue of February 25, 1971 and republished in part as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). NOTE: The purpose of this partial republication is to reflect an additional part (4) as follows: *Corn products* and blends, in bulk, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii) and also to reflect the correct name of applicant as RUAN TRANSPORT CORPORATION in lieu of RAUN TRANSPORT CORPORATION. The rest of the application remains as previously published.

No. MC 107882 (Sub-No. 21), filed March 29, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from Washington, D.C., to points in the United States (except Alaska and Hawaii), under contract with General Services Administration/Department of Agriculture. NOTE: Applicant holds common carrier authority under MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 111045 (Sub-No. 77), filed April 1, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. 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: *Salt*, other than table salt, in bulk, from Birmingham, Ala., to points in Alabama, Florida, Georgia, Mississippi, 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 Birmingham, Ala., or Tampa, Fla.

No. MC 111302 (Sub-No. 66), filed March 30, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank or hopper vehicles, from points in Knox County, Tenn., to points in Tennessee, restricted to traffic having a prior movement by railroad or water carrier. 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 Knoxville, Tenn., or Atlanta, Ga.

No. MC 111729 (Sub-No. 311) (Correction), filed March 3, 1971, published in the FEDERAL REGISTER issue of April 1, 1971, and republished in part, as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant) and Russell Bernhard, 1625 K Street NW., Washington, DC 20006. NOTE: The sole purpose of this partial republication is to separate the several territorial authorities sought following the commodity description under Item (1) *Business papers and records, audit and accounting media, of all kinds*, (a) * * *; (b) * * *; and (c) in lieu of (a) * * *; (1) * * *; and (2) as shown in the previous publication, and to correct the spelling of Northampton County, Pa., inadvertently shown as *Northhampton* County in the previous publication. The rest of the application remains as previously published.

No. MC 112822 (Sub-No. 188), filed March 19, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe and tubing and fittings therefor* (except oilfield and pipeline commodities as defined by the Commission in Mercer Extension—Oilfield Commodities, 74 M.C.C. 459), from points in Upshur County, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authorities. If a hearing is deemed necessary, applicant requests it be held at Forth Worth, Tex., or Oklahoma City, Okla.

No. MC 113267 (Sub-No. 259), filed March 11, 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: *Frozen foods, and frozen prepared foods*, from points in the Kansas City, Mo., Kansas City, Kans., commercial zone to points in Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Arkansas, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, 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 Kansas City, Mo.

No. MC 113362 (Sub-No. 205), filed March 22, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Needham Packing Co., Inc., West Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113855 (Sub-No. 238), filed March 24, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, molding, doors, wood cabinets, wood cabinet parts, and accessories* used in the installation thereof, from points in San Bernardino, Los Angeles, and Riverside Counties, Calif., to points in Idaho, Illinois, Indiana, Iowa, lower Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Kentucky, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 114004 (Sub-No. 98), filed March 22, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from McNairy County, Tenn., 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 114632 (Sub-No. 38), filed March 15, 1971. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Illinois and from Estherville, Iowa, to points in Illinois, Kansas, and Missouri. NOTE: Applicant holds contract carrier authority under MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 115180 (Sub-No. 70), filed March 24, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproduct, 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 of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Maine, Vermont, New Hampshire, Ohio, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, West Virginia, Maryland, Pennsylvania, and the District of Columbia; and (2) *such commodities as are used by meat packers*, in the conduct of their business when destined to or for use by meat packers as described in section B 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 points in Maine, Vermont, New Hampshire, Ohio, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, West Virginia, Virginia, Maryland, Pennsylvania and the District of Columbia to the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115841 (Sub-No. 404), filed March 15, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above), 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 sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Texas, to points in the United States on and east of a line beginning at the mouth of the Mississippii River, and extending along the Mississippi River to its junction with the western boundary to Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the Canada-United States boundary line, and points in Arizona, Arkansas, Louisiana, Oklahoma, and California. 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. 405), filed March 14, 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, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from St. Louis, Mo., to New Haven, Conn.; Baltimore, Md.; Boston, Mass.; Manchester, N.H.; Rochester and Buffalo, N.Y.; Jersey City, N.J.; Philadelphia, Pa.; and points within their commercial zones. 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 Buffalo, N.Y.

No. MC 116077 (Sub-No. 308), filed March 19, 1971. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505 Houston, TX 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, from the plantsite and/or storage facilities of Georgia-Pacific Corp. at or near Plaquemine, La., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of shipments originating at the above origins and destined to the above described destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117799 (Sub-No. 9), filed March 22, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and commodities* manufactured, processed and shipped by dairies, from Zumbrota, Minn., to points in California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Massachusetts, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 117799 (Sub-No. 10), filed March 26, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and other commodities distributed by dairies* (except commodities in bulk), from plantsites, warehouses, storage, and production facilities utilized by Land O Lakes, Inc., located in Minnesota, Wisconsin, and Chicago, Ill., and its commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118034 (Sub-No. 17), filed March 24, 1971. Applicant: MILLER TRUCK LINE, INC., 901 East 28th Street, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite and storage facilities of Swift & Co. at Fort Worth, Tex., on the one hand, and, on the other, Fayetteville, Ark.; St. Louis, Ill.; Kansas City, Kans.; Columbia, Kansas City, St. Louis, and Springfield, Mo.; and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 118989 (Sub-No. 62), filed March 29, 1971. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and accessories and materials, plastic products, component parts, equipment and supplies* used in the sale, manufacture and distribution of containers and container ends and plastic products between all points in the destination States listed below and from (a) Portland, Ind., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, West Virginia, and Wisconsin; from (b) Durant, Miss., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin and from (c) Manchaug and Worcester, Mass., Central Falls, R.I., and Stanhope, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that tacking possibilities exist, but no tacking intended as of now. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 48), filed March 19, 1971. Applicant: DISTRIBUTORS SERVICE CO., INC., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the

report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk, in tank vehicles), from the plantsites and cold storage facilities of Wilson-Sinclair at Logansport, Ind., to points in Illinois and Ohio. Restriction: Restricted to the transportation of traffic originating at the above specified origins and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 263), filed March 11, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and Kenosha Highway C, Bristol, WI, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Watertown, Wis., to points in the Upper Peninsula of Michigan and Iowa. NOTE: Applicant states it can tack to serve other origins, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119767 (Sub-No. 264), filed March 11, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and Kenosha Highway C, Bristol, WI, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Joseph and Paw Paw, Mich., to points in Kentucky. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Louisville, Ky., to serve other destinations, but indicates that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119767 (Sub-No. 265), filed March 11, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and Kenosha Highway C, Bristol, WI (Post Office Box 188, Pleasant Prairie, WI 53158). Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk, in tank trucks), from the plantsite and warehouse facilities of the Great Atlantic & Pacific Tea Co., Inc., at Terre Haute, Ind., to Milwaukee, Wis. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 266), filed March 30, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Bristol, Wis. Applicant's representative: A. Bryant Torhorst, Post Office Box 186, Pleasant Prairie, WI 53188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Paulding and Celina, Ohio, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin, and from Wisconsin to points in Missouri. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 119789 (Sub-No. 63), filed March 24, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers*, from Waynesboro, Va., to points in Oklahoma and Libertyville, Ill., and Milwaukee, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119988 (Sub-No. 42) (Correction), filed March 1, 1971, published in the FEDERAL REGISTER issue of April 1, 1971, and republished in part, as corrected, this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Post Office Box 1384, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins, Highway 103, Lufkin, TX 75901. The purpose of this partial republication is to reflect the correct Docket number as MC 119988 (Sub-No. 42), in lieu of MC 11988 (Sub-No. 42) which was erroneously published. The rest of the application remains as previously published.

No. MC 123233 (Sub-No. 34), filed March 4, 1971. Applicant: PROVOST CARTAGE, INC., 7887 Second Avenue, Ville d'Anjou 437 Quebec, Canada. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon tetrachloride*, in bulk, in tank vehicles, from the port of entry between the United States and Canada located at or near Rooseveltown, N.Y., to Bayonne, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 123407 (Sub-No. 80), filed March 8, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minneahaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire hydrants, valves, meter boxes, stock-cock boxes, valve boxes, culverts, manhole covers, manhole frames, catch basins, catch basin covers, sewer inlets* and *cast iron unions, pipe, pipe coating, pipe lining, pipe fittings, and parts, accessories, materials and supplies* used in the installation of the above, from Clow Corp. plantsites and warehouse facilities at Oskaloosa, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Birmingham, Ala., or Atlanta, Ga.

No. MC 123476 (Sub-No. 11), filed March 25, 1971. Applicant: CURTIS TRANSPORT, INC., 1334 Lonedell Road, Arnold, MO 63010. Applicant's representative: O. E. Mueller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, from the plantsite of the Dow Chemical Co. at Pevely, Mo., to points in Pennsylvania and West 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 St. Louis, Mo.

No. MC 124315 (Sub-No. 2), filed March 8, 1971. Applicant: ROBERT LUKENBILL, doing business as J. & L. COMPANY, 6517 North Smith, Spokane, WA 99207. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, and *returned and stale bakery products*, from Spokane, Wash., to Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho, and Libby, Mont.; and returned and stale bakery products, from Newport, Pullman, and Colville, Wash., and Wallace, Lewiston, Moscow, Plummer, Coeur d'Alene, Sandpoint, and Kellogg, Idaho, and Libby, Mont., to Spokane, Wash., under

contract with Silver Loaf Baking Co., Spokane, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 124708 (Sub-No. 30), filed March 26, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 72d Street, Omaha, NE 68114. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., West Point and Dakota City, Nebr.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa, Luverne, Minn.; to points in Florida, Georgia, North Carolina, and South Carolina under contract with Iowa Beef Processors, Inc. Restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc. NOTE: Applicant states not duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 125699 (Sub-No. 2), filed March 24, 1971. Applicant: WILLARD E. DURBIN, doing business as DURBIN AUTO SERVICE, 421 South Mulberry Street, Hagerstown, MD 21740. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacement vehicles* in truckaway or towaway service, between Berkeley, Morgan, and Kanawha Counties, W. Va.; Washington, Allegany, and Garrett Counties, Md.; and Cumberland County, Pa.; on the one hand, and, on the other, points in Pennsylvania, Maryland, Virginia, Delaware, West Virginia, New Jersey, Ohio, New York, North Carolina, South Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 126118 (Sub-No. 13), filed March 25, 1971. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 7, Johnson City, TN 37601. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peppers and pimientos*, in cans or barrels, from the plantsite of Moody Dunbar, Inc., at Limestone, Tenn., to points east of the Mississippi River, which includes points in Alabama, Connecticut, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 126276 (Sub-No. 37) (Amendment), filed November 4, 1970, published in the FEDERAL REGISTER issues of November 26 and December 10, 1970, and republished in part, as amended this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to include Milwaukee, Wis., as an origin point. The rest of the application remains as previously published.

No. MC 126276 (Sub-No. 47), filed March 29, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages and materials and supplies* used or useful in the manufacturing thereof, between the plantsite of Pepsi Cola General Bottlers at Danville, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, and Missouri under contract with Pepsi Cola General Bottlers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126514 (Sub-No. 31), filed March 24, 1971. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. 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: *Advertising matter, books, calendars, post cards, printed matter, and display racks*, from West Nyack, N.Y., to points in Arizona, California, New Mexico, Washington, Oregon, and Nevada. 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 127810 (Sub-No. 2), filed March 24, 1971. Applicant: SHERMAN & BODDIE, INC., Highway 15 South (Durham Road), Oxford, NC 27565. Applicant's representatives: W. W. Boddie, Highway 15 South, Oxford, NC 27565, or Chas. B. Morris, Jr., Post Office Box 709, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp and citrus meal*, from points in Florida, to points in North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 127834 (Sub-No. 61) (Amendment), filed January 15, 1971, published in the FEDERAL REGISTER issue of February 11, 1971, and republished as amended this issue. 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 Texas, 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. The purpose of this republication is to include Texas as a destination point. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128007 (Sub-No. 33), filed March 5, 1971. Applicant: HOPER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry zinc sulphate and dry zinc oxide*, from points in Montgomery County, Kans., to points in Oklahoma, Texas, Colorado, Nebraska, Iowa, Missouri, Wisconsin, Minnesota, and Michigan; (2) *barium carbonate*, from points in Montgomery County to points in Missouri, Iowa, Oklahoma, and Texas; and (3) *fabricated concrete reinforcing materials and joints*, from points in Labette County, Kans., to points in Missouri, Oklahoma, Nebraska, Illinois, Texas, Iowa, Colorado, South Dakota, North Dakota, Minnesota, Arkansas, Louisiana, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128007 (Sub-No. 34), filed March 29, 1971. Applicant: HOFER, INC., Post Office Box 583 (20th and By-Pass) 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: *Dry feed ingredients*, from Freeport, Tex., to points in Kansas, Colorado, Oklahoma, Nebraska, Iowa, Missouri, South Dakota, and Illinois. 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 128117 (Sub-No. 15), filed March 19, 1971. Applicant: NORTON-RAMSEY MOTOR LINES, INC., Post Office Box 896, Hickory, NC 28601. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alamance, Orange, Guilford, Randolph, Forsyth, and Moore Counties, N.C., to points in New Mexico, Oklahoma, Texas, Arkansas, 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 Charlotte, N.C., or Washington, D.C.

No. MC 128273 (Sub-No. 91), filed March 12, 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: *Twine and sisal products;* (A) from Cincinnati and Toledo, Ohio; Philadelphia, Pa.; Norfolk, Va.; Baltimore, Md.; New York City, N.Y.; Detroit and Bay City, Mich.; Chicago, Ill.; Milwaukee, Wis.; Duluth, Minn.; Davenport and Dubuque, Iowa; St. Louis and Kansas City, Mo.; Omaha, Nebr.; Fort Smith, Little Rock and Pine Bluff, Ark.; Tulsa, Okla.; Mobile, Ala.; Galveston, Freeport, Laredo, and El Paso, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg., and Seattle, Wash.; to all points in the United States (except Alaska and Hawaii); (B) Houston, Tex., to all points in the United States (except Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, North Dakota, and Montana, Alaska and Hawaii); and (C) Houston, Tex., to St. Louis, Mo., Chicago and Alton, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 128273 (Sub-No. 92), filed March 25, 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: *Animal feed* (except in bulk), between the plantsite and storage facilities of Pine Lake Packing at or near Perham, Minn., and 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., or Washington, D.C.

No. MC 133070 (Sub-No. 5), filed March 29, 1971. Applicant: TRANS-AIR SERVICE, INC., 1505 Cleveland Drive, Cheektowaga, NY 14225. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to traffic having a prior or subsequent movement by aircraft; (1) between the Greater Buffalo International Airport (Erie County), N.Y., (Monroe County), N.Y., and points in Genesee County, N.Y., and (2) between the Greater Buffalo International Airport (Erie County), N.Y., and Rochester-Monroe County Airport (Monroe County), N.Y., on the one hand, and, on the other, Logan International Airport (Suffolk County), Mass.; Detroit Metropolitan Airport (Wayne County); Detroit Willow Run Airport (Wayne County), Mich.; Newark Airport (Essex County), N.J.; Albany County Airport (Albany County); Broome County Airport (Broome County); Olean Municipal Airport (Cattaragus County); Jamestown Municipal Airport (Chautauqua County); Chemung County Airport (Chemung County); Watertown Airport (Jefferson County); Oneida County Airport (Oneida County); Clarence E. Hancock Airport (Onondaga County); La Guardia Airport and John F. Kennedy International Airport (Queen County); Massena Airport (St. Lawrence County); and Tompkins County Airport (Tompkins County), N.Y.; Cleveland-Hopkins Municipal Airport (Cuyahoga County), Ohio; Bradford-McKean County Airport (McKean County), Pa.; and Pittsburgh International Airport (Allegheny County), Pa.; and (3) between points in Erie and Niagara Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 133229 (Sub-No. 9), filed March 15, 1971. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Rhode Island, and the District of Columbia, restricted to traffic originating at the named plantsites and storage facilities. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133342 (Sub-No. 2), filed March 31, 1971. Applicant: COLUMBIA CIFUNE TRUCKING, INC., doing business as COLUMBIA TRUCKING, 3 Seventh Street, North Arlington, NJ 07032. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 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: *Chinaware, earthenware, and glass tableware*, from the warehouse of American Commercial, Inc., doing business as Mikasa, in Secaucus, N.J., to points in Nassau County, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133478 (Sub-No. 3), filed March 30, 1971. Applicant: HEARIN FOREST INDUSTRIES, doing business as HEARIN TRANSPORTATION CO., a corporation, Post Office Box 25387, 4854 Southwest Scholls Ferry, Portland, OR. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished paneling and similar wood and plywood materials*, from Beaverton, Oreg., to points in the United States (except Alaska and Hawaii), and ports of entry on the international boundary line between the United States and Canada, and *plywood paneling stock, paint, mill machinery, and similar materials* used in connection with manufacturing of wood and plywood products, from Torrance, Los Angeles, Riverside, San Francisco, and San Diego, Calif., and Tacoma, Wash., to Beaverton, Oreg., under contract with Hearin Products, Inc., an Oregon corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 133777 (Sub-No. 5), filed March 24, 1971. Applicant: METAL CARRIERS, INC., 400 West Main Street, Dallas, TX 75208. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap, nonferrous metals*, between points in Texas, Ohio, Indiana, Kentucky, Nebraska, Iowa, Mississippi, Alabama, Florida, and Georgia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but applicant has no present intention to tack and therefore does not identify the points or territory 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 Fort Worth or Houston, Tex.

No. MC 133937 (Sub-No. 9), filed March 26, 1971. Applicant: CAROLINA CARTAGE COMPANY, INC., 424 Airport Road, Post Office Box 1075, Greenville, SC 29602. Applicant's representatives: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036, and James A. Lanier, Post Office Box 45096, Atlanta Airport, Atlanta, GA 30320. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion and sound picture films, film, newspapers, books, and periodicals*, between Atlanta, Ga., and Charlotte, N.C. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Columbia, S.C.

No. MC 134358 (Sub-No. 2), filed March 8, 1971. Applicant: CENTRAL DISPATCH, INC., Nicholson and Wabash Streets, Kansas City, MO 64120. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities used by Aristo Kansas Meat Packers, Division of Aristo Foods Inc., a Missouri corporation, at or near Holton, Kans., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Ohio, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134644 (Sub-No. 2), filed March 8, 1971. Applicant: JEROME J. MARTIN, Box 95, North Street, Sullivan, WI 53178. Applicant's representative: David V. Purcell, 1902 Marine Plaza, Milwaukee, WI 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and steel building materials, and accessories, materials, and supplies* therefor, *sample and display materials, and steel angles and channels*, for the account of Rollex Corp., from Ixonia, Wis., to Elk Grove Village and Joliet, Ill., from Elk Grove Village, Ill., to Lake Mills, Wis., and points in the Milwaukee, Wis., commercial zone; (2) *returned shipments and materials, equipment, and supplies* used or useful in the manufacture or processing of the commodities named above, for the account of Rollex Corp., from Elk Grove Village and Joliet, Ill., to Ixonia, Wis., from Lake Mills, Wis., and points in the Milwaukee, Wis., commercial zone, to Elk Grove Village, Ill., under contract with Rollex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 134776 (Sub-No. 11), filed March 22, 1971. Applicant: MILTON TRUCKING, INC., Post Office Box 209, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 97306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from North Claymont, Del.; Brooklyn, Niagara Falls, and Solvay, N.Y.; Midland, Mich.; Barberton, Ohio; Belle, Charleston, and Nitro, W. Va.; to points in McKean, Elk, Cameron, Potter, Clinton, Clearfield, Centre, Union, Snyder, Lycoming, Tioga, Bradford, Sullivan, Montour, Northumberland, Columbia, Wyoming, Lackawanna, Luzerne, and Susquehanna Counties, Pa., under contract with Avis Chemical Co., Avis, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 134863 (Sub-No. 2), filed April 1, 1971. Applicant: FLEETWAY TRANSPORTATION, DIVISION OF WAINOCO OIL AND CHEMICALS, LTD., 1900 11th Street SE., Calgary 21, AL, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in pneumatic and dump-type vehicles, from Sweetgrass and Wild Horse, Mont., to ports of entry on the international boundary line between the United States and Canada, located at or near Sweetgrass and Wild Horse, Mont., under contract with Allied Chemical Canada, Ltd., Montreal 102, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 135074 (Sub-No. 1), filed March 26, 1971. Applicant: SECURITY STORAGE COMPANY, INC., 117 Bypass South, Goldsboro, NC 27530. Applicant's representative: Lindsay C. Warren, Jr., Post Office Box 1616, Goldsboro, NC 27530. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Green, Pitt, Martin, Edgecombe, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points listed above, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and recontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Goldsboro, Raleigh, or Greensboro, N.C., or Washington, D.C.

No. MC 13581, filed March 9, 1971. Applicant: DRUM TRANSPORTATION COMPANY, a corporation, Rural Delivery No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, pilings, timbers, ties, and cross arms and laminated wooden beams*, between the plantsites of Southern Wood Piedmont Co. at or near Baldwin, Fla.; Augusta, Macon, East Point, and Waycross, Ga.; Spartanburg, S.C.; Wilmington and Gulf, N.C.; and Chattanooga, Tenn.; on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Massachusetts, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, under contract with Southern Wood Piedmont Co. NOTE: Applicant presently holds authority as a motor common carrier under Certificate No. MC 126349 Sub-No. 2, and if the contract carrier authority sought in the instant application is granted it will request cancellation of its authority in said Certificate MC 126349 Sub 2 upon issuance of a permit herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135417 (Sub-No. 1), filed March 14, 1971. Applicant: FARO TRUCKING CORP., 310 North Seventh Street, Brooklyn, NY. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, boots, footwear, handbags*, from points in New Jersey and New York within the port of New York Harbor as defined by the Interstate Commerce Commission to Hicksville, N.Y., restricted to shipments having a prior movement by water, under continuing contract with Lujan, Inc., DeLeon, Ltd., and DeLeon Western, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135443, filed March 22, 1971. Applicant: NATIONAL BRUSH COMPANY MOTOR EXPRESS, INC., Wainwright Shipyard, Panama City, FL 32401. Applicant's representative: Ernest Welch, 434 Magnolia Avenue, Panama City, FL 32401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brushes and brush related products, brooms, sponges, mats, rugs and other tuft-formed articles and natural and synthetic materials and supplies and machinery* used in the manufacture thereof, manufactured distributed and sold by National Brush Co., an Illinois corporation, and its wholly owned subsidiaries, National Wood Products Co.,

Sewell C. Harlin Lumber Co., Inc., Kentucky Corporations and National Brush Inc., a Florida corporation, from plantsites of National Brush Co. in Aurora, Ill., National Wood Products Co. and Sewell C. Harlin Lumber Co., Inc., in Glasgow, Ky., and National Brush, Inc., in Panama City, Fla., to points in Florida, Mississippi, Louisiana, Arkansas, Missouri, Georgia, Alabama, Tennessee, Kentucky, Indiana, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Panama City, Fla.

No. MC 135447, filed March 24, 1971. Applicant: DILIDO TRANSPORTATION CO., INC., 501 West 30th Street, New York, NY. 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) *Iron, steel, aluminum and nonferrous metals, iron, steel, aluminum and nonferrous articles*, and (2) *materials, supplies, and equipment* used in the conduct of its business, between New York, N.Y., commercial zone, Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. Restriction: Restricted (1) against the transportation of the involved commodities in bulk or special equipment (2) the proposed service to be under contract with Metal Purchasing Co., Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135458, filed March 26, 1971. Applicant: ALLISON - MITCHELL TRANSFER CO., a corporation, 1762 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Seattle, Wash., on the one hand, and, on the other, points in King, Snohomish, Skagit, Whatcom, San Juan, Clallam, Jefferson, and Kitsap Counties, Wash., under contract with Western Electric Co. NOTE: Applicant now holds common carrier authority under MC 36750 and Sub 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135462, filed March 31, 1971. Applicant: DIRECT SHIPPERS, INC., 1521 Lurting Avenue, Bronx, NY 10461. 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: (a) *Package tying decorations*, from Carlstadt, N.J., to points in the United States except Alaska and Hawaii; and (b) *artificial decorations*, from New York, N.Y., to points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135463, filed March 8, 1971. Applicant: P & B LIME SERVICE, INC., Post Office Box 14, Bloomer, WI 54724. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk portland cement*, from the Minneapolis-St. Paul, Minn., commercial zone, to Bloomer, Chippewa Falls, Eau Claire, Menomonie, Rice Lake, and Stanley, Wis., for the exclusive account of P & B Enterprises, Inc., of Bloomer, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 135464, filed March 31, 1971. Applicant: I & A CORPORATION, No. 3 Scout Avenue, South Kearny, NJ 07032. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment* used in the conduct of such business, from Secaucus, N.J., to Butler, Beaver Falls, and New Castle, Pa., and points in Delaware, and returned shipments of the above-described commodities on return, under contract, or continuing contract, with Gaylords National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 135473, filed March 30, 1971. Applicant: MARK DEGRAND AND ANTHONY ESTACIO, a partnership, doing business as D & E TRUCKING, 928 Stephenson, Escanaba, MI 49829. Applicant's representative: Mark DeGrand (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from South Bend, Ind., to Escanaba, Mich.; (2) from Columbus, Ohio, to Escanaba, Sault Ste Marie, and St. Ignace, Mich.; and (3) from Milwaukee, Wis., to Escanaba and Stephenson, Mich.; under contract with Miller Beverage Co.; Ammel Dist. Co., Inc.; Superior Beverage Co.; and Beaudoin Dist., Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Escanaba, Mich.; Milwaukee, Wis., or Chicago, Ill.

No. MC 135476, filed March 26, 1971. Applicant: DONALD R. WARD, doing business as WARD TRUCKING, Rural Route No. 2, Crawfordsville, IN 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and materials and supplies* used in the manufacture or distribution of printed matter, between Crawfordsville, Ind., on the one hand, and, on the other, Lafayette and Indianapolis, Ind., and Champaign, Ill. Restriction: Restricted to traffic having an immediately prior or subsequent movement in rail piggyback service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135478, filed March 29, 1971. Applicant: JOSEPH A. CATINO, doing business as JOSEPH A. CATINO CONSTRUCTION CO., 139 Commonwealth Avenue, Worcester, MA 01604. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies*, transported on pallets, loaded and unloaded by mechanical device, from plantsite of Camosse Block, Inc., at North Wilbraham, Mass., to points in Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn., under contract with Camosse Block Inc., Wilbraham, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston or Springfield, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 432), filed March 15, 1971. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Richard Fryling (same address as above). 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 racetrack, beginning and ending at Brooklyn and Staten Island, N.Y., and extending to Delaware Park Race Track, Stanton, Del. 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 Newark, N.J., or New York, N.Y.

No. MC 61335 (Sub-No. 13), filed March 8, 1971. Applicant: TRANSBRIDGE LINES, INC., Post Office Box 146, Phillipsburg, NJ 08865. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, (1) from points in Hunterdon and Warren Counties, N.J., to Liberty Bell Race Track, Philadelphia, Pa., and Pocono Downs Race Track, Wilkes-Barre, Pa., and (2) from points in Hunterdon and Warren Counties, N.J., Lehigh, Monroe, and Northampton Counties, Pa., and those in that part of Bucks County, Pa., on and east of U.S. Highway 611 from Doylestown, Pa., to the county line near Riegelsville, Pa., and on and north of U.S. Highway 202 from Doylestown, Pa., to New Hope, Pa., to Aqueduct Race Track, New

York, N.Y., Belmont Park Race Track, Belmont, N.Y., Monticello Raceway, Monticello, N.Y., Roosevelt Raceway, Westbury, N.Y., Saratoga Race Track, Saratoga, N.Y., and Yonkers Raceway, Yonkers, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 118044 (Sub-No. 1), filed April 1, 1971. Applicant: KEESHIN CHARTER SERVICE, INC., 705 South Jefferson, Chicago, IL 60607. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter service, from points in Cook County, Ill., to points in Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Idaho, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Utah, Vermont, Washington, and Wyoming, and return. NOTE: Applicant states no duplicate authority is being sought. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

By the Commission.

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

[FR Doc.71-5548 Filed 4-21-71;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 19, 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. 42175—*Lumber and forest products to points in southern territory.* Filed by O. W. South, Jr., agent (No. A6246), for interested rail carriers. Rates on lumber and forest products, in carloads, as described in the application, from Searchmont, Ontario, Canada, and points in Eastern Canada, on the one hand, to points in southern territory, Rockmart, Ga., on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 13 to Canadian Freight Association tariff ICC 319.

By the Commission.

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

[FR Doc.71-5623 Filed 4-21-71;8:50 am]

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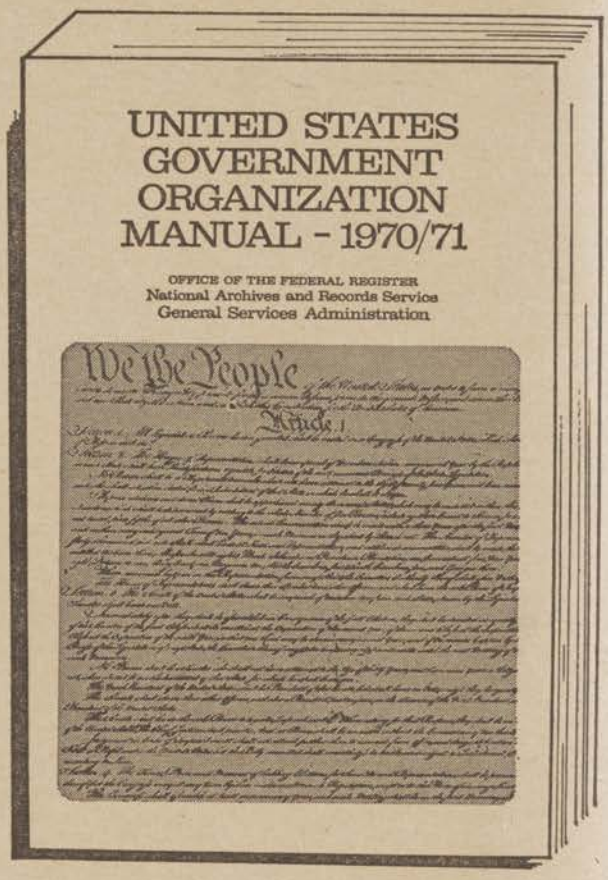

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