federal register

THURSDAY, MAY 20, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 98
Pages 9121–9191
PART I
(Part II begins on page 9177)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

GLASS—Tariff Comm. notice of postponement of hearing date 9154

TOBACCO—Agriculture gives notice of public hearings on applications from three markets for additional inspection and price support services, May 25–27 9146

INCOME TAX—Proposed IRS regulations relating to certain capital expenditures; comments by 6–21–71 9142

INCOME TAX—Proposed IRS regulations regarding treatment of appreciated property used to redeem stock; comments or suggestions and requests for public hearing by 6–21–71 9138

TABLE GRAPES (European or Vinifera type)—USDA revises grade standards effective upon publication 9125

COAST GUARD CADETS—Coast Guard requirement of Statement of Obligation; effective 5–20–71 9135

UNFAIR LABOR PRACTICES—NLRB amendments to procedures; effective 5–20–71, 6–1–71 9132

(Continued inside)

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

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.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

FORESTRY SERVICES—SBA proposal of definition of small business 9144

HUMANE SLAUGHTER—USDA changes in lists of establishments humanely slaughtering livestock 9146

COTTON TEXTILES—Interagency Textile Admin. Comm. notice of increases in levels of restraint applicable to certain cotton textile products from Korea 9152

LAND ACQUISITION AND RELOCATION—DoT regulations on relocation assistance and land acquisition policies; effective 6–1–71 9178

MUTUAL FUNDS—SEC proposal respecting contractural plans for mutual fund shares and variable annuities; public conference on 5–28–71 9143

RAIL STRIKE—ICC establishment of preference and priority for transportation of passengers and freight; effective 5–17–71 9136

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

International Training and Public Safety Offices; delegation of authority 9145

ATOMIC ENERGY COMMISSION

Notices

Gulf Oil Corp.; proposed issuance of amended facility license 9147

AGRICULTURE DEPARTMENT

See also Consumer and Marketing Service.

Notices

Tobacco inspection and price support services; notice of public hearing 9146

CIVIL AERONAUTICS BOARD

Notices

NACA Facilities and Service Corp.; order authorizing discussions and approving agreements 9147

CIVIL SERVICE COMMISSION

Notices

Licensed practical nurse, West Haven, Conn. and Boston SMSA and Brockton, Mass.; notice of establishment of minimum rates and rate ranges 9148

COAST GUARD

Rules and Regulations

Coast Guard cadets; requirement of statement of obligation 9135

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Shipment limitations:
- Grapefruit grown in Florida 9125
- Oranges grown in Florida 9129

Table grapes, European or Vinifera type; standards for grades 9125

Valencia oranges grown in Arizona and designated part of California; handling limitations 9129

Notices

Humanely slaughtered livestock; changes in list of establishments 9146

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Alterations:
- Control zone and transition area 9130
- Transition area 9130

Proposed Rule Making

Transition areas and control zone; proposed alteration and revocation 9143

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- City of Augusta and Georgia Power Co 9149
- East Tennessee Natural Gas Co 9150
- Lawrenceburg Gas Transmission Corp 9150
- MAPCO, Inc 9150
- Tennessee Gas Pipeline Co 9149
- Washington Public Power Supply System 9151
- Western Colorado Power Co 9151
- Western Transmission Corp 9151

FEDERAL RESERVE SYSTEM

Notices

Southwest Bancshares, Inc.; order approving acquisition 9151

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textile products produced or manufactured in Republic of Korea; entry or withdrawal from warehouse for consumption 9152

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax:
- Appreciated property used to redeem stock 9138
- Capitalization of costs of planting and developing almond groves 9142

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Preference and priority for the transportation of passengers and freight necessary to the national defense, health, and safety 9136

(*Continued on next page*)

Notices

Fourth section application for relief 9171
Motor carrier, broker, water carrier and freight forwarder applications 9155
Motor carrier temporary authority applications 9172
Motor carrier transfer proceedings 9171

LABOR DEPARTMENT

See also Wage and Hour Division.

Notices

RCA Corp., and Emerson Television and Radio Co.; certification of eligibility of workers to apply for adjustment assistance 9154

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Colorado 9136
Montana 9135
Wyoming 9136

Notices

Colorado:
Partial termination of proposed withdrawal and reservation of lands 9146
Proposed withdrawal and reservation of lands 9145

NATIONAL ENDOWMENT FOR THE ARTS

Notices

Establishment of an identification device 9152

NATIONAL LABOR RELATIONS BOARD

Rules and Regulations

Unfair labor practices; amendments to procedures 9132

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Vessell, Henry C. and Sara M.; notice of loan application 9146

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Interpretative releases 9130

Proposed Rule Making

Mutual funds; contractual plans 9143

Notices

Consolidated Financial Corp.; notice of filing application 9153

SMALL BUSINESS ADMINISTRATION

Proposed Rule Making

Forestry services; proposed definition 9144

Notices

Declarations of disaster loan areas:
Iowa 9153
Missouri (2 documents) 9153-9154
Tennessee 9154
Equitable Life Community Enterprises Corp.; issuance of license 9153

STATE DEPARTMENT

See Agency for International Development.

TARIFF COMMISSION

Notices

Glass from Taiwan; postponement of hearing 9154

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration.

Rules and Regulations

Relocation assistance and land acquisition 9178

TREASURY DEPARTMENT

See Internal Revenue Service.

WAGE AND HOUR DIVISION

Rules and Regulations

Industries in American Samoa; wage order 9134

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

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

7 CFR

51 9125
905 (2 documents) 9129
908 9129

13 CFR

PROPOSED RULES:
121 9144

14 CFR

71 (2 documents) 9130
PROPOSED RULES:
71 9143

17 CFR

271 9130
PROPOSED RULES:
270 9134
274 9134

26 CFR

PROPOSED RULES:
1 (2 documents) 9138, 9142

29 CFR

101 9132
102 9132
697 9134

32A CFR

Ch. VIII 9136

33 CFR

40 9135

43 CFR

PUBLIC LAND ORDERS:
5059 9135
5060 9136
5061 9136

49 CFR

25 9178

Rules and Regulations

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Table Grapes (European or Vinifera Type) [1]

On April 8, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6755) regarding the revision of U.S. Standards for Grades of Table Grapes (European or Vinifera type) (7 CFR, §§ 51.880–51.912). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. Following publication in the FEDERAL REGISTER, copies of the proposed standards were distributed to industry organizations and committees, national consumer organizations and individuals for comment. The period for submission of comments ended May 10.

Most of the 21 letters and telegrams submitted in response to publication of the proposal were favorable. These were from growers, shippers and industry organizations handling a majority of the shipments of table grapes from Arizona and California. Four comments from receivers and retailers protested lowering the standards, one grower-shipper opposed higher standards. Three other comments, two from grower-shippers favored a public hearing on the proposal. Two of these also opposed the changes and one urged that the changes be delayed. Several of those registering favorable opinion in general requested certain deletions or other exceptions.

Most of the criticism was directed at the proposed changes in maturity requirements, conforming them to the requirements for the State in which the grapes are produced, in effect on the date the proposal was issued. Some California growers and shippers object to this because it will result in soluble solids requirements for certain varieties being lower for Arizona than for the California desert area, disregarding the fact that requirements for the same varieties vary within California according to areas of production. Arizona representatives asked that changes in their State regulations, effective after April 7, be recognized. This cannot be done until there is again opportunity for giving public notice of a proposed change in the standards.

The retailer comments which detailed specific objections indicated that customers are alienated by lowered maturity standards. One shipper also strongly advocated maintaining high maturity requirements as an aid in marketing grapes.

There was objection on the part of shippers to requiring U.S. Fancy Export grapes to be uniform in appearance inasmuch as this requirement is optional in the U.S. Fancy Table grade. There was also a request for liberalization of proposed color requirements for Cardinal grapes in the U.S. Fancy grade and for an additional tolerance for undersize bunches.

It would be desirable to have U.S. maturity requirements the same in all production areas. However, until agreement is achieved among all segments of the grape industry on such requirements, basing U.S. maturity requirements upon applicable State requirements is preferable to the confusion and misunderstanding that has existed in recent years because of the differences between State and Federal requirements. The maturity requirements, as well as other requirements and tolerenaces, will be under continual review. It is suggested that growers, shippers, and retailers cooperate in initiating consumer preference studies to obtain data needed for evaluation of the maturity requirements.

The "statement of considerations" published with the proposed standards included summaries of the Arizona and California maturity requirements. In addition to specific citations of the applicable State laws and regulations, the Arizona maturity requirements are quoted in the revised grade standards. Although its use is not specified, the hydrometer has been used by the Inspection Service in making these determinations in Arizona and the revised standards provide that it shall be used in testing Arizona grapes. The summaries of both Arizona and California requirements are not a part of the standards but are printed below as a convenience to users of the standards.

Arizona requires: Minimum soluble solids:

Variety	Minimum soluble solids
Thompson Seedless	16 percent.
Cardinal, Robin, Perlette	15 percent.
Exotic	14 percent.

OR

For all varieties, sugar/acid ratio of at least 18:1.

California requires: Minimum soluble solids (determined by refractometer) 16.5 percent, with some exceptions including:

Variety	Minimum soluble solids
Emperor, Ribier, Delight, Perlette	15.5 percent.
Ladyfinger, Olivette Blanche, Other similar varieties	14.5 percent.
Exotic	14 percent.
Thompson Seedless grown north and west of San Gorgonio Pass	17 percent.
Beauty Seedless grown south and east of San Gorgonio Pass	15.5 percent.
Cardinal and Robin grown north and west of San Gorgonio Pass	15.5 percent.
Cardinal and Robin grown south and east of San Gorgonio Pass	14.5 percent.

OR

Thompson Seedless and Perlette having at least 15 percent and 14 percent soluble solids, respectively, and other varieties without regard to percentage of soluble solids, when having sugar/acid ratio of at least 20:1.

Changes relating to Cardinal color and to uniform appearance in the U.S. Fancy Export grade are made as requested. The U.S. Standards for Sawdust Pack Grapes will continue in effect until May 1, 1972. There is no duplication of grade designations between the "sawdust pack" and "table grape" standards. There is insufficient information available to justify an additional tolerance for undersize bunches. Observations will be made on this factor during the next season.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted, subject to the following changes:

1. In § 51.883 the last three lines are changed to read "in addition meet the packaging requirements set forth in § 51.911".

2. Section 51.887 is changed.

3. In Table IV under heading "Red varieties", line 7, the words "Tokay variety" are changed to read "Tokay and Cardinal varieties".

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1971 packing season for Table Grapes is scheduled to begin about May 20 and it is in the interest of the public and the industry that this

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

revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the Table Grape industry or of others.

Accordingly this revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 18, 1971.

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

GRADES

Sec.
51.880 U.S. Extra Fancy Table.
51.881 U.S. Extra Fancy Export.
51.882 U.S. Fancy Table.
51.883 U.S. Fancy Export.
51.884 U.S. No. 1 Table.

TOLERANCES

51.885 Tolerances.

APPLICATION OF TOLERANCES

51.886 Application of Tolerances.

MATURITY REQUIREMENTS

51.887 Maturity requirements.
51.888 Well developed grapes.
51.889 One variety.
51.890 Uniform in appearance.
51.891 Color terms.
51.892 Firm.
51.893 Weak.
51.894 Shriveled at capstem.
51.895 Shattered.
51.896 Wet.
51.897 Decay.
51.898 Waterberry.
51.899 Sunburn.
51.900 Damage.
51.901 Fairly well filled.
51.902 Excessively tight.
51.903 Shot berries.
51.904 Dried berries.
51.905 Well developed and strong.
51.906 Diameter.
51.907 Serious damage.
51.908 Materially shriveled at capstem.
51.909 Straggly.
51.910 Container.
51.911 Export.

METRIC CONVERSION TABLE

51.912 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under sections 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.880 U.S. Extra Fancy Table.

"U.S. Extra Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are uniform in appearance, well colored, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.
(b) Basic requirements for bunches:
(1) Fairly well filled;
(2) Not excessively tight for the variety.
(c) Basic requirements for stems:
(1) Well developed and strong;
(2) Not dry and brittle;
(3) At least yellowish-green in color except for Cardinal, Robin, Exotic, and Beauty Seedless varieties.
(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn;
(4) Almeria Spot.
(e) Stems free from:
(1) Mold;
(2) Decay.
(f) Berries not damaged by:
(1) Any other cause.
(g) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Trimming away of defective berries;
(5) Any other cause.
(h) Stems not damaged by:
(1) Freezing;
(2) Any other cause.
(i) Size:
(1) For berries: Exclusive of shot berries and dried berries, not less than 90 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
(i) Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties thirteen-sixteenths of an inch.
(ii) Other varieties eleven-sixteenths of an inch.
(2) For bunches:
(i) Not less than one-half pound.
(j) For tolerances see § 51.885.

§ 51.881 U.S. Extra Fancy Export.

"U.S. Extra Fancy Export" consists of grapes which meet the requirements for U.S. Extra Fancy Table and, in addition, meet the packaging requirements set forth in § 51.911.

§ 51.882 U.S. Fancy Table.

"U.S. Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least reasonably well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.
(b) Basic requirements for bunches:
(1) Fairly well filled;
(2) Not excessively tight for the variety.
(c) Basic requirements for stems:
(1) Well developed and strong;
(2) Not dry and brittle.
(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn;
(4) Almeria Spot.
(e) Stems free from:
(1) Mold;
(2) Decay.
(f) Berries not damaged by:
(1) Any other cause.
(g) Bunches not damaged by:
(1) Shot berries;
(2) Dried berries;
(3) Other defective berries;
(4) Trimming away of defective berries;
(5) Any other cause.
(h) Stems not damaged by:
(1) Freezing;
(2) Any other cause.
(i) Size:
(1) For berries: Exclusive of shot berries and dried berries, the following percentages, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:
(i) For Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties, 90 percent shall be at least twelve-sixteenths of an inch;
(ii) For Thompson Seedless, Perlette, Delight, and Beauty Seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,
(iii) For other varieties 90 percent shall be at least ten-sixteenths of an inch.
(2) For bunches:
(i) Not less than one-fourth pound.
(j) For tolerances see § 51.885.

§ 51.883 U.S. Fancy Export.

"U.S. Fancy Export" consists of grapes which meet the requirements for U.S. Fancy Table, except that bunches shall weigh not less than one-half pound, and in addition meet the packaging requirements set forth in § 51.911.

§ 51.884 U.S. No. 1 Table.

"U.S. No. 1 Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least fairly well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:
(1) Mature;
(2) Firm;
(3) Firmly attached to capstem;
(4) Not weak;
(5) Not materially shriveled at capstem;
(6) Not shattered;
(7) Not split or crushed;
(8) Not wet.
(b) Basic requirements for bunches:
(1) Not straggly.
(c) Basic requirements for stems:
(1) Not weak, or dry and brittle.
(d) Berries free from:
(1) Decay;
(2) Waterberry;
(3) Sunburn.
(e) Stems free from:
(1) Mold;

(2) Decay.

(f) Berries not damaged by:

(1) Any other cause.

(g) Bunches not damaged by:

(1) Shot berries;

(2) Dried berries;

(3) Other defective berries;

(4) Trimming away of defective berries;

(5) Any other cause.

(h) Stems not damaged by:

(1) Freezing;

(2) Any other cause.

(i) Size:

(1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:

(i) Thompson Seedless, Perlette, Delight, and Beauty Seedless nine-sixteenths of an inch.

(ii) Other varieties ten-sixteenths of an inch.

(2) For bunches:

(i) Not less than one-fourth pound.

(j) For tolerances see § 51.885.

TOLERANCES

§ 51.885 Tolerances.

(a) No tolerances are provided in these standards for grapes which fail to meet the applicable maturity requirements other than the allowances specified in § 51.887 or in the sampling and testing procedures of State maturity regulations.

(b) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are provided as set forth in Tables I and II.

TABLE I—TOLERANCES AT SHIPPING POINT [1]

Factor	U.S. Extra Fancy table	U.S. Fancy table	U.S. No. 1 table
	Percent	*Percent*	*Percent*
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For undersize bunches [2] and for bunches and berries failing to meet the remaining requirements for the grade	8	8	8
Including in (D):			
(a) For serious damage	2	2	2
And, including in (a):			
(i) For decay	½ of 1	½ of 1	½ of 1

TABLE II—TOLERANCES EN ROUTE OR AT DESTINATION

Factor	U.S. Extra Fancy table	U.S. Fancy table	U.S. No. 1 table
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For undersize bunches [2] and for bunches and berries failing to meet the remaining requirements of the grade	12	12	12
Including in (D):			
(a) For permanent defects	8	8	8
(b) For serious damage	4	4	4
And, including in (b):			
(i) For serious damage by permanent defects	2	2	2
(ii) For decay	1	1	1

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] When in packages containing 5 pounds or less, not more than 25 percent of the bunches may weigh less than the minimum weight specified for the grade, in addition to other defects which may be present.

APPLICATION OF TOLERANCES

§ 51.886 Application of tolerances.

The contents of the individual packages in any lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) For tolerances of 10 percent or more, individual packages may contain not more than one and one-half times the specified tolerance.

(b) For a tolerance of less than 10 percent, individual packages may contain not more than double the specified tolerance.

MATURITY REQUIREMENTS

§ 51.887 Maturity requirements.

(a) "Mature" means that the grapes in any lot meet the maturity requirements for the variety as set forth in the Agricultural Laws and Regulations of the State in which the grapes are produced, in effect on April 7, 1971. See Agricultural Code of California, Chapter 21, Article 4, §§ 47691–47696 and California Administrative Code, Chapter 8, Subchapter 1, Group 4, §§ 1426–1427. See also California Administrative Register 71, No. 2—1–9–71.[2] The applicable Arizona maturity requirements set forth in Arizona Fruit and Vegetable Standardization Laws, Rule 13, A and B,[3] are as follows:

As Applied to Grapes:

A. "Mature" means that each bunch of grapes of the varieties known as Cardinals, Robins, and Perlettes, shall test not less than 15 percent soluble solids. Thompson Seedless variety shall be considered mature if they test 16 percent soluble solids and the Exotic variety shall be considered as mature if they test 14 percent soluble solids; however, all varieties shall be considered mature if the juice contains soluble solids equal to, or in excess of, 18 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

B. The maturity of varieties named in this regulation shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container; however, no lot of grapes shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

The soluble solids content of grapes produced in Arizona shall be determined by hydrometer.

(b) Grapes produced in States other than California and Arizona, and in countries other than the United States, shall meet the minimum percentage of soluble solids set forth in Table III as determined by use of a standard hand refractometer.

TABLE III

Variety	*Percent of soluble solids*
Muscat	17.5
All varieties not listed in this table	16.5
Cardinal, Emperor, Perlette, Ribier Olivette Blanche, Rish Baba, Red Malaga, and similar varieties	15.5

(1) The minimum percentage of soluble solids for any lot shall be determined from the juice of at least 10 percent, by weight, of whole bunches of the least mature grapes in that container which appears to have the least mature grapes. No lot shall be considered as failing to meet these requirements unless samples from two containers which appear to have the least mature grapes test below the required percentage of soluble solids.

DEFINITIONS

§ 51.888 Well developed grapes.

"Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.889 One variety.

"One variety" means that the grapes show similar varietal characteristics.

§ 51.890 Uniform in appearance.

"Uniform in appearance" means that not more than one-tenth of the containers in any lot show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container, and that the stems are well developed and strong.

§ 51.891 Color terms.

The color terms "well colored", "reasonably well colored", and "fairly well colored" are defined in Table IV.

[2] Reprints of these publications may be purchased from the Cashier, California Department of Agriculture, 1220 N Street, Sacramento, CA 95814.

[3] Authority, Arizona Revised Statutes § 3–516.

TABLE IV

Color terms	Black varieties	Red varieties	White varieties
Well colored (U.S. Extra Fancy).	Each bunch shall have not less than 95 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 75 percent, by count, of berries showing good characteristic color.[1]	No requirement.
Reasonably well colored (U.S. Fancy).	Each bunch shall have not ess than 85 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 66⅔ percent, by count, of berries showing good characteristic color [1] except the Tokay ana Cardinal varieties shall have not less than 75 percent, by count, of berries showing characteristic color. [2]	No requirement.
Fairly well colored (U.S. No. 1).	Each bunch shall have not less than 75 percent, by count, of berries showing characteristic color.[2]	Each bunch shall have not less than 60 percent, by count, of berries showing characteristic color.[2]	No requirement.

[1] Good characteristic color for black varieties means purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing purple to black color.

For red varieties good characteristic color means at least two-thirds of the surface of the berry is light red through dark red color; except, for the Tokay variety pink through dark red, and for the Cardinal variety light red through purple shall be permitted.

[2] Characteristic color for black varieties means reddish-purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing reddish-purple to black color.

For red varieties characteristic color means at least two-thirds of the surface of the berry is pink to dark red; except, for the Tokay variety light pink through dark red and for the Cardinal variety light pink through purple color shall be permitted.

§ 51.892 Firm.

"Firm" means that the berry does not yield more than slightly to moderate pressure and is not flabby or wilted.

§ 51.893 Weak.

"Weak" means that individual berries are somewhat translucent, watery and soft, may have relatively low sugar content, inferior flavor, or are of poor keeping quality.

§ 51.894 Shriveled at capstem.

"Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.895 Shattered.

"Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.896 Wet.

"Wet" means that the grapes are wet from moisture from crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.897 Decay.

"Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.898 Waterberry.

"Waterberry" means a watery, soft, or flabby condition of the berry. Affected berries are low in sugar content, have tender skins, and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak".

§ 51.899 Sunburn.

"Sunburn" means injury to the berry caused by exposure to the sun, including "sulphur burn," usually occurring as a sunken and discolored or dried area on the exposed surface.

§ 51.900 Damage.

(a) "Damage" means any specific defect described in this section; or an equally objectionably variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual berry, the appearance of the bunch as a whole, or the marketing quality of the stems. The following shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrips, mildew, rubs, and similar injuries when materially detracting from the appearance of the berry;

(2) Discoloration when any light brown, tan, or darker discoloration of the skin materially detracts from the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(3) Heat when the flesh of the berry is affected;

(4) Almeria Spot when any spot is distinctly sunken or dark in color;

(5) Mildew when active powdery mildew is present;

(6) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(7) Insect injury when penetrating the skin of the berry or when there is noticeable insect infestation on the bunch; when mealybug residue or aphis honeydew are present in noticeable amounts; or when leafhopper residue materially detracts from the appearance of the individual berry or of the bunch.

(b) The following shall be considered as "damage" to stems:

(1) Active powdery mildew or any other disease when present on the stems to the extent that it detracts from the appearance of the bunch or when scars caused by mildew or other disease constrict or weaken any part of the main or lateral stems; and,

(2) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

§ 51.901 Fairly well filled.

"Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.902 Excessively tight.

"Excessively tight" means that the berries are so wedged together that the bunch is extremely compact for the variety and resulting distorted berries materially detract from the appearance of the bunch.

§ 51.903 Shot berries.

"Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds.

§ 51.904 Dried berries.

"Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.905 Well developed and strong.

"Well developed and strong" means that the main and lateral stems are firm, fibrous, and pliable; not distinctly immature or spindly or threadlike at time of packing.

§ 51.906 Diameter.

"Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

§ 51.907 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or affected by heat or freezing. Grapes which show healed cracks at the blossom and shall not be considered as seriously damaged.

§ 51.908 Materially shriveled at capstem.

"Materially shriveled at capstem" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

§ 51.909 Straggly.

"Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

§ 51.910 Container.

"Container" as used in these standards shall, for the purpose of determining maturity of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment; for determining other factors of grade it shall mean the individual package.

§ 51.911 Export.

When designated as Export, grapes shall be packed with any of the customary protective materials such as cushions, liners, or wraps, or properly packed in sawdust or granulated cork. The so-called "semi-sawdust packs" which are

cushioned and/or covered with sawdust are not approved as protective packaging for export.

METRIC CONVERSION TABLE

§ 51.912 Metric conversion table.

Inches	Millimeters (mm)
8/16 equals	12.7
9/16 equals	14.3
10/16 equals	15.9
11/16 equals	17.5
12/16 equals	19.1
13/16 equals	20.6
14/16 equals	22.2
15/16 equals	23.8
1 equals	25.4
Pounds	*Grams*
1/4 equals	113.4
1/2 equals	226.8
3/4 equals	340.2
1 equals	453.6
2 equals	907.2
3 equals	1,360.8
4 equals	1,814.4
5 equals	2,268.0
10 equals	4,536.0

[FR Doc.71-7065 Filed 5-18-71;12:35 pm]

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

[Grapefruit Reg. 69, Amdt. 5]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit and seeded grapefruit grown in Florida.

(a) *Order.* In § 905.525 (Grapefruit Reg. 69, 35 F.R. 14499, 17937, 19245; 36 F.R. 5904, 7509), the provisions of (a)(1)(i), (ii), (iii), and (iv) are amended to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) * * *

(1) * * *

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3 12/16 inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet; or

* * * * *

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

Dated May 14, 1971, to become effective May 17, 1971.

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

[FR Doc.71-7014 Filed 5-19-71;8:46 am]

[Orange Reg. 67, Amdt. 9]

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

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of varieties of oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460, 3884, 5494, 6493), the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *

(2) * * *

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

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

Dated, May 14, 1971, to become effective May 17, 1971.

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

[FR Doc.71-7015 Filed 5-19-71;8:46 am]

[Valencia Orange Reg. 349]

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

Limitation of Handling

§ 908.649 Valencia Orange Regulation 349.

(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 regulation 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 regulation is based became available and the time when this regulation 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 regulation, 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 regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1971.

(b) *Order*. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 21, 1971, through May 27, 1971, are hereby fixed as follows:

(i) District 1: 270,000 cartons;

(ii) District 2: 382,000 cartons;

(iii) District 3: 98,000 cartons.

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

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

Dated: May 19, 1971.

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

[FR Doc.71-7157 Filed 5-19-71;11:29 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-EA-18]

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

Alteration of Control Zone and Transition Area

On Page 4708 of the FEDERAL REGISTER for March 11, 1971, the Federal Aviation Administration published proposed regulations which would alter the Latrobe, Pa., control zone (36 F.R. 2097) and transition area (36 F.R. 2218).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 29, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., control zone and insert the following in lieu thereof:

"Within a 5-mile radius of the center," 40°16′39″ N., 79°24′14″ W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile-radius zone to 1.5 miles southwest of the Latrobe RBN 40°22′32″ N., 79°16′19″ W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°16′39″ N., 79°24′14″ W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile-radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN 40°22′32″ N., 79°16′19″ W., extending from the 5-mile-radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southewst of the Latrobe RBN to 27 miles southwest of the RBN.

[FR Doc.71-7007 Filed 5-19-71;8:46 am]

[Airspace Docket No. 71-EA-49]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Leesburg, Va. (36 F.R. 2219) and Washington, D.C. (36 F.R. 2290) transition areas.

The Washington, D.C., and Leesburg, Va., 700-foot-floor transition areas are described, in part, by reference to the Poolesville, Md., radio beacon (RBN). It is planned to decommission the RBN and thus we are substituting the geographical coordinates of the RBN.

Since the foregoing amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Leesburg, Va., 700-foot-floor transition area and substitute the following:

LEESBURG, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°04′31″ N., 77°33′25″ W. of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a line bearing 079° from a point 39°05′32″ N., 77°27′30″ W. extending from the 6-mile-radius area to 8 miles east of said point excluding that portion within the Washington, D.C., transition area.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Washington, D.C., 700-foot-floor transition area as follows:

In the text, delete, "to the Poolesville, Md., RBN;" and substitute, therefor, "to a point 39°05′32″ N., 77°27′30″ W.".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7008 Filed 5-19-71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6506]

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

Miscellaneous Amendments Regarding Investment Companies

Changes in the Investment Company Act of 1940 made by the Investment Company Amendments Act of 1970 (Public Law 91-547) relating to investment

policies of a registered investment company; the ineligibility of certain persons to serve as employees of a registered company; legal standards for investment company reorganizations; substitution of underlying investments of unit investment trusts; and the filing of certain legal documents with the commission.

This is the fifth in a series of releases on problems arising under the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91-547 (84 Stat. 1413)), enacted December 14, 1970.[1] The purpose of this release is to call to the attention of registered investment companies and other interested persons some important amendments made by the 1970 Act in the Investment Company Act of 1940 which will require such companies and their managements to take certain actions.

Investment Policies Changeable Only by Shareholder Vote. The 1970 Act amends 8(b)(2) of the Investment Company Act (15 U.S.C. 80a-8(b)(2)) to require a registered investment company to make a recital in its registration statement of investment policies not enumerated in section 8(b)(1) of the Act (15 U.S.C. 80a-8(b)(1)), "which are changeable only if authorized by shareholder vote." Also, the 1970 Act amends section 13(a) of the Investment Company Act (15 U.S.C. 80a-13(a)) to prohibit a registered investment company, unless authorized by shareholder vote, from deviating from any investment policy which is changeable only if authorized by shareholder vote.[2] Registered investment companies should, in connection with filing posteffective amendments to their Securities Act of 1933 registration statements, revise their prospectuses to the extent necessary to disclose all investment policies which are changeable only by shareholder vote.

Ineligibility of Certain Persons to Serve as an Employee of a Registered Investment Company. The 1970 Act amends section 9(a) of the Act (84 Stat. 1415) to bar a person convicted of certain crimes or enjoined by reason of any misconduct specified in that section from serving as an employee of any registered investment company in addition to the other capacities already specified in that section. Therefore, any such person who presently serves a registered investment company in such capacity must sever his relationship with the company. However, if the facts warrant, a person made ineligible by this amendment may file with the Commission an application pursuant to section 9(c) (84 Stat. 1415) (formerly section 9(b)) for an exemption from the provisions of section 9(a).[3]

Legal Standards for Investment Company Reorganizations. The 1970 Act amends section 25(c) of the Investment Company Act (84 Stat. 1424) to impose a stricter legal standard by which courts are to determine whether to enjoin the consummation of a plan of reorganization of a registered investment company. Amended section 25(c) provides that a Federal district court may, upon proceedings instituted by the Commission, enjoin the consummation of any such plan of reorganization if the court finds that any such plan is not "fair and equitable to all security holders."[4]

In view of this amendment, it is particularly important that the documents relating to plans of reorganization of any investment company be filed with the Commission as required by section 25(a) (15 U.S.C. 80a-25(a)). In this connection, it should be noted that the definition of "reorganization" provided by section 2(a)(33) (84 Stat. 1413) (formerly section 2(a)(32)) of the Investment Company Act is very broad and includes transactions which may not be considered reorganizations under state law.

Substitution of Underlying Investments of a Unit Investment Trust. The 1970 Act adds a new section 26(b) to the Investment Company Act (84 Stat. 1424) which makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute underlying securities without Commission approval. New section 26(b) further provides that the Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. Most prospectuses for unit trusts presently disclose the prior and continuing obligation, imposed by section 26(a)(4)(B) (of the Act, 15 U.S.C. 80a-26(a)(4)(B)), of the depositor or its agent to notify investors of substitution of underlying securities. Therefore, depositors and trustees of such registered unit trusts, as soon as possible, should update their prospectuses to disclose the new requirement to their investors. Also, depositors and trustees should consider the advisability of amending their trust agreements to reflect this new requirement.

Filing of Documents with Commission in Certain Civil Actions. The 1970 Act amends section 33 of the Investment Company Act (15 U.S.C. 80a-33; 84 Stat. 1428) to require prompt filing with the Commission of copies of all pleadings, verdicts, and judgments filed with courts or served in connection with certain actions or claims, and all proposed settlements, compromises, or discontinuances of any such actions. These documents, unless already so filed, must be filed by any registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company. These requirements must be met promptly as to any documents which were filed prior to December 14, 1970, in connection with actions pending on and after that date. Thereafter, such documents, if delivered to such company or party defendant, must be filed with the Commission not later than 10 days after receipts thereof, or, if filed in such court or delivered by such company or party defendant, not later than 5 days after such filing or delivery.

It should be noted that amended section 33 provides, in effect, that a document need not be filed by any person if it has been filed by another person. In order to avoid duplicative filings in cases involving more than one defendant, the Commission suggests that such defendants agree to designate one among them to meet the requirements of amended section 33: *Provided*, That the defendant so designated informs the Commission of such agreement in writing.

In order to make it possible for the Commission's staff and the public to have adequate access to the documents filed under this section, the Commission requests that persons subject to section 33 send five copies of each document required to be filed.

In addition, amended section 33 requires such an investment company or party defendant to file with the Commission copies of any motions, transcripts and certain other documents if requested in writing by the Commission.

By the Commission, May 5, 1971.

[SEAL] THEODORE L. HUMES, *Associate Secretary.*

[FR Doc.71-7005 Filed 5-19-71;8:46 am]

---

[1] See Investment Company Act Release Nos. 6336, 6392, 6430, and 6440 (36 F.R. 2867, 36 F.R. 5840, 36 F.R. 7897, 36 F.R. 8729).

[2] The 1970 Act also inserts a new section 8(b)(3) of the Investment Company Act (84 Stat. 1415) which incorporates the requirement of former section 8(b)(2) of a recital of policy regarding matters, other than those enumerated in sections 8(b) (1) and (2), which are deemed matters of fundamental policy by the registrant. Section 13(a)(3) of the Act (15 U.S.C. 80a-13(a)(3)) both before and after the amendment made it unlawful for a registered investment company to deviate from a policy deemed fundamental by the registrant.

[3] In this conection, it should be noted that the 1970 Act adds a new section 9(b) (84 Stat. 1415) to the Investment Company Act which authorizes the Commission, after notice and opportunity for hearing, to bar an individual, either permanently or for such period of time as may be appropriate, from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person violates the federal securities laws. The legislative history indicates that the Commission may bring administrative proceedings under new section 9(b) based on violations which occured before Dec. 14, 1970. See Senate Report No. 91-184, 91st Cong., first session (1969), p. 35 and House Report No. 91-1382, 91st Cong., second session (1970), pp. 20-21.

[4] Prior to this amendment, a court could issue an injunction only if it determined any such plan to be "grossly unfair or to constitute gross misconduct or gross abuse of trust on the part of the officers, directors or investment advisers of such registered company or other sponsors of such plan."

Title 29—LABOR

Chapter I—National Labor Relations Board

ART 101—STATEMENTS OF PROCEDURE, SERIES 8

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

Parts 101 and 102 of Title 29 are amended as follows:

Subpart F—Jurisdictional Dispute Cases Under Section 10(k) of the Act

Sections 101.33 and 101.36 are amended to read as follows:

§ 101.33 Initiation of formal action; settlement.

If, after investigation, it appears to the regional director that the Board should determine the dispute under section 10 (k) of the act, he issues a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of the filing of the charge, except that in cases involving the national defense, agreement will be sought for scheduling of hearing on less notice. If the parties present to the regional director satisfactory evidence that they have adjusted the dispute, the regional director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. If the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if issued. The parties may agree on an arbitrator, a proceeding under section 9(c) of the act, or any other satisfactory method to resolve the dispute. If the agreed-upon method for voluntary adjustment results in a determination that employees represented by a charged union are entitled to perform the work in dispute, the regional director dismisses the charge against that union irrespective of whether the employer complies with that determination.

§ 101.36 Compliance with determination; further proceedings.

After the issuance of determination by the Board, the regional director in the region in which the proceeding arose communicates with the parties for the purpose of ascertaining their intentions in regard to compliance. Conferences may be held for the purpose of working out details. If the regional director is satisfied that the parties are complying with the determination, he dismisses the charge. If the regional director is not satisfied that the parties are complying, he issues a complaint and notice of hearing, charging violation of section 8(b)(4)(D) of the act, and the proceeding follows the procedure outlined in sections 101.8 to 101.15, inclusive. However, if the Board determines that employees represented by a charged union are entitled to perform the work in dispute, the regional director dismisses the charge against that union irrespective of whether the employer complies with the determination.

These amendments are effective upon publication in the FEDERAL REGISTER (5–20–71).

Subpart B—Procedure Under Section 10(a) to (i) of the Act for the Prevention of Unfair Labor Practices

Sections 102.24, 102.25, 102.26, 102.33 (d), and 102.35(h) are amended to read as follows:

§ 102.24 Motions: where to file; contents; service on other parties; promptness in filing and response.

All motions under §§ 102.16, 102.22, and 102.29 made prior to hearing shall be filed in writing with the regional director issuing the complaint. All motions for summary judgment made prior to hearing shall be filed in writing with the Board pursuant to the provisions of § 102.50. All other motions prior to hearing shall be filed in writing with the chief trial examiner in Washington, D.C., or with the associate chief trial examiner in San Francisco, Calif., as the case may be. All motions made at the hearing shall be made in writing to the trial examiner or stated orally on the record. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to 102.45, shall be filed with the trial examiner, care of the chief trial examiner in Washington, D.C., or associate chief trial examiner, San Francisco, Calif., as the case may be. All motions made subsequent to transfer of the case to, and while it is pending before, the Board shall be filed with the executive secretary of the Board in Washington, D.C., as provided in § 102.47. Motions shall briefly state the order or relief applied for and the grounds therefor. All motions prior to transfer of the case to the Board shall be filed by the moving party in an original and four copies and a copy thereof shall be immediately served on the other parties. Unless otherwise provided in these rules, motions and responses thereto shall be filed promptly and within such time as not to delay the proceeding.

§ 102.25 Ruling on motions.

A trial examiner designated by the chief trial examiner, or by the associate chief trial examiner in San Francisco, Calif., shall rule on all prehearing motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.50), and all such rulings and orders shall be issued in writing and a copy served on each of the parties. The trial examiner designated by the chief trial examiner, or by the associate chief trial examiner in San Francisco, Calif., to conduct the hearing shall rule on all motions after opening of the hearing (except as provided in § 102.47), and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases the trial examiner shall issue such rulings and orders in writing and shall cause a copy of the same to be served on each of the parties, or shall make his ruling in his decision. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board shall rule on such motion.

§ 102.26 Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.

All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 102.31. Unless expressly authorized by the rules and regulations, rulings by the regional director or by the trial examiner on motions and by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 102.46. Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party, and if the request involves a ruling by a trial examiner, upon that trial examiner.

§ 102.33 Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.

* * * * *

(d) Motions to consolidate or sever proceedings after issuance of complaint shall be filed as provided in § 102.24 and ruled upon as provided in § 102.25, except that the regional director may consolidate or sever proceedings prior to hearing upon his own motion. Rulings by the trial examiner upon motions to consolidate or sever may be appealed to the Board as provided in § 102.26.

§ 102.35 Duties and powers of trial examiners.

* * * * *

(h) To dispose of procedural requests, motions or similar matters, including motions referred to the trial examiner by the regional director and motions for summary judgment or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings reopened; and upon motion order proceed-

ings consolidated or severed prior to issuance of trial examiner decisions;

* * * * *

These amendments are effective June 1, 1971.

Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

Sections 102.65 (a) and (e) (1), (2), and (3) and 102.67(b) are amended to read as follows:

§ 102.65 Motions; interventions.

(a) All motions, including motions for intervention pursuant to paragraphs (b) and (e) of this section, shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof immediately shall be served on the other parties to the proceeding. Motions made prior to the transfer of the case to the Board shall be filed with the regional director, except that motions made during the hearing shall be filed with the hearing officer. After the transfer of the case to the Board, all motions shall be filed with the Board. Such motions shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Eight copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served on the parties, or he may refer the motion to the hearing officer: *Provided,* That if the regional director prior to the close of the hearing grants a motion to dismiss the petition, the petitioner may obtain a review of such ruling in the manner prescribed in § 102.71. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the entire record is considered by the regional director or the Board, as the case may be.

* * * * *

(e) (1) A party to a proceeding may, because of extraordinary circumstances, move after the close of the hearing for reopening of the record, or move after the decision for reconsideration or rehearing, except that no motion for reconsideration or rehearing wil be entertained pursuant to this paragraph by the regional director with respect to any matter which can be raised before the Board pursuant to any other section of the rules in this part, or by the Board with respect to any matter which could have been but was not raised before it pursuant to any other section of the rules in this part. A motion for reconsideration shall state with particularity the material error claimed and with respect to any finding of material fact shall specify the page of the record relied on. A motion for rehearing shall specify the error alleged to require a hearing de novo and the prejudice to the movant alleged to result from such error. A motion to reopen the record shall state briefly the additional evidence sought to be adduced, why it was not presented previously, and what result it would require, if adduced and credited. Only newly discovered evidence, evidence which has become available only since the close of the hearing, or evidence which the regional director or the Board believes should have been taken at the hearing, will be taken at any further hearing.

(2) Any motion pursuant to this paragraph shall be filed within 10 days, or such further period as may be allowed, after the service of the decision, except that a motion for leave to adduce additional evidence shall be filed promptly on discovery of such evidence. Any request for an extension of time must be received 3 days prior to the due date and copies thereof shall be served promptly on the other parties.

(3) The filing and pendency of a motion under this provision shall not unless so ordered operate to stay the effectiveness of any action taken or directed to be taken, except that if the motion states with particularity that the granting thereof will affect the eligibility to vote of specific employees, the ballots of such employees shall be challenged and impounded in any election conducted while such motion is pending. A motion for reconsideration or rehearing need not be filed to exhaust administrative remedies.

§ 102.67 Proceedings before the regional director; further hearing; briefs; action by the regional director; appeals from action by the regional director; statement in opposition to appeal; transfer of case to Board; proceedings before the Board; Board action.

* * * * *

(b) A decision by the regional director upon the record shall set forth his findings, conclusions, and order or direction. The decision of the regional director shall be final: *Provided, however,* That within 10 days after service thereof any party may file eight copies of a request for review with the Board in Washington, D.C. Such request shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies shall not be filed and if submitted will not be accepted. Simultaneously therewith, copies thereof shall be served on all other parties to the proceeding and the regional director, and a statement of such service filed with the Board. The filing of such request shall not, unless otherwise ordered by the Board, operate as a stay of any action taken or directed by the regional director: *Provided, however,* That the regional director, in the absence of a waiver, may issue a notice of election but shall not conduct any election or open and count any challenged ballots until the Board has ruled upon any request for review which may be filed.

* * * * *

These amendments are effective June 1, 1971.

Subpart F—Procedure To Hear and Determine Disputes Under Section 10(k) of the Act

Sections 102.91 and 102.93 are amended to read as follows:

§ 102.91 Compliance with determination; further proceedings.

If, after issuance of the determination by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the determination, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director shall proceed with the charge under paragraph (4)(D) of section 8(b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern: *Provided, however,* That if the Board determination is that employees represented by a charged union are entitled to perform the work in dispute, the regional director shall dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

§ 102.93 Alternative procedure.

If, either before or after service of the notice of hearing, the parties submit to the regional director satisfactory evidence that they have adjusted the dispute, the regional director shall dismiss the charge and shall withdraw the notice of hearing if notice has issued. If, either before or after issuance of notice of hearing, the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if notice has issued. If it appears to the regional director that the dispute has not been adjusted in accordance with such agreed-upon methods and that an unfair labor practice within the meaning of section 8(b)(4)(D) of the act is occurring or has occurred, he may issue a complaint under § 102.15, and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern; and §§ 102.90 to 102.92, inclusive, are inapplicable: *Provided, however,* That if an agreed-upon method for voluntary adjustment results in a determination that employees represented by a charged union are entitled to perform the work in dispute, the regional director shall dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

These amendments are effective upon publication in the FEDERAL REGISTER (5–20–71).

Subpart I—Service and Filing of Papers

Section 102.112 is amended to read as follows:

§ 102.112 Same; by parties; proof of service.

Service of papers by a party on other parties shall be made by registered mail, or by certified mail, or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. Service on all parties shall be made in the same manner as that utilized in filing the paper with the Board, or in a more expeditious manner; however, when filing with the Board is accomplished by personal service the other parties shall be promptly notified of such action by telephonic communication, followed by service of a copy by mail or telegraph. When service is made by registered mail, or by certified mail, the return post office receipt shall be proof of service. When service is made in any manner provided by the law of a State, proof of service shall be made in accordance with such law.

This amendment is effective June 1, 1971.

OGDEN W. FIELDS,
Executive Secretary.

[FR Doc.71-7018 Filed 5-19-71;8:47 am]

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 616 (35 F.R. 16090), the Secretary of Labor appointed and convened Special Industry Committee No. 9 for American Samoa, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(a)(3) of the Fair Labor Standards Act of 1938 to employees in American Samoa subject thereto, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to matters referred to it.

Accordingly, pursuant to section 6(a)(3) and section 8(d) of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and § 511.18 of Title 29, Code of Federal Regulations, the recommendations of Special Industry Committee No. 9 for American Samoa are hereby published as an amendment of section 697.1, effective as set forth in § 697.3. In addition the Industry Committee recommended pursuant to section 8 of the Act separate classifications for the Wholesaling and Warehousing Industry, and the Finance and Insurance Industry. For the purposes of this part, these two classifications are treated as separate industries.

1. As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.23 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.28 and hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* The classifications of this industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including the operation of air terminals, piers, wharves, and docks, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and of travel and ticket agencies: *Provided, however,* That this industry shall not include bunkering of petroleum products: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(1) *Classification A (seafaring).* (i) The minimum wage for this classification is 60 cents an hour for a period of 1 year following the effective date specified in § 697.3 and 70 cents an hour thereafter.

(ii) This classification of the shipping and transportation industry shall include all activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity.

(2) *Classification B.* (i) The minimum wage for this classification is $1.25 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.30 an hour thereafter.

(ii) This classification shall include all activities in the shipping and transportation industry other than those included in the seafaring classification of the industry.

(c) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.30 an hour, effective the date specified in § 697.3.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(d) *Construction industry.* (1) The minimum wage for this industry is $1 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.08 an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(e) *Hospitals and educational institutions industry.* (1) The minimum wage for this industry is 80 cents an hour for the period ending June 30, 1971, 90 cents an hour for the period beginning July 1, 1971, and ending June 30, 1972, and $1 an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of a hospital, defined as an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for the mentally or physically handicapped or the gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendment of 1966.

(f) *Hotel industry.* (1) The minimum wage for this industry is 85 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 95 cents an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retail trade industry.* (1) The minimum wage for this industry is $1 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.10 an hour thereafter.

(2) This industry shall include all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(h) *Laundry and Dry Cleaning Industry.* (1) The minimum wage for this industry is 85 cents an hour for the period ending one year from the date specified in § 697.3, and 90 cents an hour thereafter.

(2) The Laundry and Dry Cleaning Industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *The Bottling Industry.* (1) The minimum wage for this industry is $1 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.10 an hour thereafter.

(2) The Bottling Industry is that industry which is engaged in the bottling, sale, or distribution at wholesale of soft drinks in bottles or cans.

(j) *The Printing and Publishing Industry.* (1) The minimum wage for this industry is $1 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.10 an hour thereafter.

(2) The Printing and Publishing Industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *The Wholesaling and Warehousing Industry.* (1) The minimum wage for this industry is $1.10 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.20 an hour thereafter.

(2) The Wholesaling and Warehousing Industry includes wholesaling and warehousing, and other distribution of commodities, including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers, and exporters, manufacturers' sales branches and sales offices engaged in the distributing of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses and retail selling establishments other than those included within the definition of Retail Trade Industry.

(l) *The Finance and Insurance Industry.* (1) The minimum wage for this industry is $1.10 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.20 an hour thereafter.

(2) The Finance and Insurance Industry includes all banks and trust companies, credit agencies other than banks, holding companies, other investment companies, collection agencies, brokers and dealers in securities and commodity contracts, as well as carriers of all types of insurance, and insurance agents and brokers.

(m) *Miscellaneous industry.* (1) The minimum wage for this industry is $1.05 an hour, effective the date specified in § 697.3.

(2) This industry shall include every activity not included in any other industry defined in this § 697.1.

2. As amended, § 697.3 reads as follows:

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective June 2, 1971.

(Secs. 6 and 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

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

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-6997 Filed 5-19-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 71-2]

PART 40—CADETS OF THE COAST GUARD

Appointment as Cadet, U.S. Coast Guard

This amendment to Part 40 of Title 33 of the Code of Federal Regulations requires that before admission to the U.S. Coast Guard Academy, a cadet must sign a Statement of Obligation in which he agrees to complete the course of instruction at the Coast Guard Academy and to serve as an officer in the Coast Guard for 5 years upon graduation. He also must agree that, if he fails to complete the prescribed course of instruction or refuses to accept an appointment as an officer in the Coast Guard, he may be transferred to the Coast Guard Reserve and ordered to active duty for a period of not more than 4 years. This amendment implements 14 U.S.C. 182.

Since this is a matter relating to agency personnel, it is excepted from notice and public procedure thereon by 5 U.S.C. 553 and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 40.13 is amended by revising paragraph (d) to read as follows:

§ 40.13 Appointment as Cadet, U.S. Coast Guard.

* * * * *

(d) Each candidate must sign and submit the following Statement of Obligation to the Superintendent of the Academy before taking the oath of office as a Cadet, U.S. Coast Guard:

STATEMENT OF OBLIGATION

Upon taking the oath of office of a Cadet, U.S. Coast Guard, I agree to complete the course of instruction at the Coast Guard Academy and to serve at least 5 years as an officer in the Coast Guard after graduation from the Coast Guard Academy, if my services are so long required.

In accordance with section 182 of title 14, United States Code, I agree that if I do not complete the course of instruction or if I do not accept an appointment as an officer in the Coast Guard, that I may be transferred to the Coast Guard Reserve in an appropriate enlisted grade or rating to be determined by the Commandant and notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such a period of time, not to exceed 4 years.

(Sec. 182, 63 Stat. 508, as amended, sec. 632, 63 Stat. 545, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 182, 632, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b) (35 F.R. 4959))

Effective date. This amendment is effective on May 20, 1971.

Dated: May 12, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-7040 Filed 5-19-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5059]

[Montana 16312]

MONTANA

Withdrawal for National Forest Lookout Sites

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN

East Spread Lookout

T. 16 N., R. 12 W.,
Sec. 12, W½NW¼SE¼NE¼, E½NE¼SW¼NE¼.

Williams Peak Lookout

T. 14 N., R. 25 W.,
Sec. 24, SE¼SW¼NE¼, NE¼NW¼SE¼.

Stark Mountain Lookout

T. 15 N., R. 24 W.,
Sec. 1, SE¼SW¼NE¼.

Mormon Peak Lookout

T. 11 N., R. 20 W.,
Sec. 7, SE¼SW¼SW¼NW¼, SW¼SE¼SW¼NW¼, NE¼NW¼NW¼SW¼, NW¼NE¼NW¼SW¼.

Thompson Peak Lookout

T. 16 N., R. 26 W.,
Sec. 5, SW¼ of lot 1, NW¼SE¼NE¼.

Blue Mountain Lookout

T. 12 N., R. 21 W.,
Sec. 12, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, NW¼NW¼SE¼NW¼.

Edith Peak Lookout

T. 16 N., R. 21 W.,
Sec. 34, S½SW¼NW¼NW¼, N½NW¼SW¼NW¼.

West Fork Butte Lookout

Unsurveyed but which probably will be when surveyed:

T. 11 N., R. 22 W.,
Sec. 6, E½NW¼SE¼SW¼, W½NE¼SE¼SW¼.

Plateau Mountain Lookout

T. 14 N., R. 23 W.,
Sec. 4, SE¼SW¼NW¼.

Morrell Mountain Lookout

T. 17 N., R. 14 W.,
Sec. 34, SW¼SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, NE¼NW¼SE¼NE¼, NW¼NE¼SE¼NE¼.

Sliderock Mountain Lookout

T. 10 N., R. 16 W.,
Sec. 25, SE¼NE¼SW¼.

Landowner Mountain Lookout

T. 15 N., R. 26 W.,
Sec. 30, W½W½SE¼SW¼, E½E½ of lot 7.

The areas described aggregate approximately 150 acres in Granite, Missoula, Powell, and Mineral Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7010 Filed 5-19-71;8:46 am]

[Public Land Order 5060]

[Wyoming 17259]

WYOMING

Withdrawal for Administrative Site

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

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Rock Springs Administrative Site:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W.,
Sec. 14, a tract of land within lot 5 described as follows:
Beginning at a point 816.55 feet N. 17°56'40" E. of the quarter corner common to secs. 14 and 15; thence N. 12°22' E., a distance of 513.7 feet; theence S. 89°41' E., a distance of 902.92 feet; thence S. 2°16' E., a distance of 779.4 feet; thence N. 74°54'30" W., a distance of 1,080 feet to the point of beginning.

The area described contains 14.43 acres in Sweetwater County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7011 Filed 5-19-71;8:46 am]

[Public Land Order 5061]

[Colorado 12185]

COLORADO

Withdrawal for Recreation Sites and Protection of Endangered Species of Wildlife

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriations under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, for protection of their public recreation values, and for protection of endangered species of wildlife:

SIXTH PRINCIPAL MERIDIAN

CATAMOUNT CREEK RECREATION SITE

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.

LYONS GULCH RECREATION SITE

T. 4 S., R. 86 W.,
Sec. 18, lot 14.

GREATER PRAIRIE CHICKEN RANGE

T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The areas described aggregate approximately 137 acres in Eagle and Yuma Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the proposed use of the lands will not interfere with the primary use for which they are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7012 Filed 5-19-71;8:46 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

[General Emergency Transport Order 1-71]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT NECESSARY TO THE NATIONAL DEFENSE, HEALTH, AND SAFETY

Pursuant to Title 1 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), Executive Order 10480, as amended, and Executive Order 11594 dated May 17, 1971, and it being deemed necessary in the public interest and to promote the national defense, health, and safety by reason of the short supply of domestic transportation equipment, facilities, and service due to the current nationwide cessation of railroad service, to regulate, allocate, and promote the use of motor and inland water carrier equipment, facilities, and service, for the preferential transportation of passengers and property necessary to the national defense, health, and safety, and is being impractical to consult with industry representatives due to the necessity of immediate action: *It is hereby ordered*, That:

Section 1. Transportation of military and other freight necessary to promote the national defense, health, and safety.

Every motor and inland water carrier engaged in the transportation of property shall give preference and priority over all other traffic to the transportation of:

Food or kindred products, canned, preserved, or otherwise prepared, including fresh, frozen, or chilled meats and poultry; fresh eggs and milk; fresh or frozen fruits and vegetables; fresh or frozen fish and shell fish; feeds for animals and fowls.

Fuels required for the production of electric power and those used directly for heating residences and institutions essential for the public welfare.

Hospital and sick room supplies and equipment, including diagnotic devices and essential support utilities.

Pharmaceutical, biologicals, surgical textiles, and instruments.

Electrical power and communication systems repair materials and equipment required for the supply of essential electric power and communications.

Medical laboratory supplies and equipment.

Professional dental supplies and equipment.

Material moving on Government or commercial bills of lading specifically certified as essential by defense or atomic energy contract administrators.

All material moving on government bills of lading issued by transportation officers of the military services.

U.S. Mail in accordance with emergency orders issued by the Post Master General.

Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

Items necessary to the continued smooth functioning of the financial system, i.e., movement of checks, currency and coins.

Where necessary to accord such preference and priority, said carriers shall limit or restrict the amount of other freight transported on any motor vehicle or vessel operated by it.

Sec. 2. Transportation of essential Government personnel.

Every motor carrier engaged in the transportation of passengers shall give preference and priority over all other traffic to the transportation of essential Government personnel, including military passengers, traveling on Government Travel Requests, and personnel traveling in support of items contained in this priority list.

Sec. 3. Applicability.

The provisions of this order shall apply to all for-hire motor and inland water carriers engaged in intrastate, interstate, and foreign commerce within the United States, including the District of Columbia, but excluding the States of Alaska and Hawaii, and the territories and possessions of the United States.

Sec. 4. Definitions.

As used in this order:

(a) The term "motor carrier" means any person who engages in the transportation of passenger or property by motor vehicle for compensation;

(b) The term "inland water carrier" means any person who engages in the transportation of property by vessel for compensation.

(c) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof; and

(d) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.

Sec. 5. Communications.

Communications concerning this order should refer to "General Emergency Transport Order 1-71" and should be addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

This General Emergency Transport Order 1-71 shall become effective May 17, 1971, and shall remain in full force and effect during the current emergency and until further order.

Issued at Washington, D.C., this 17th day of May 1971.

[SEAL] GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission.

[FR Doc.71-7113 Filed 5-19-71;10:35 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

APPRECIATED PROPERTY USED TO REDEEM STOCK

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 21, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 21, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 905 of the Tax Reform Act of 1969 (83 Stat. 713), such regulations are amended as follows:

PARAGRAPH 1. Section 1.301 is amended by revising subsections (b)(1)(B)(ii) and (d)(2)(B) of section 301 and the historical note to read as follows:

§ 1.301 Statutory provisions; distributions of property.

Sec. 301. *Distributions of property.* * * *
(b) *Amount distributed*—(1) *General rule.* * * *

(B) *Corporate distributees.* * * *

(ii) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a).

* * * * *

(d) *Basis.* * * *

(2) *Corporate distributees.* * * *

(B) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a).

* * * * *

[Sec. 301 as amended by secs. 5 (a) and (b), and 13(f)(2), Rev. Act 1962 (76 Stat. 977, 1035); sec. 231(b)(2), Rev. Act 1964 (78 Stat. 105); sec. 1(b)(1), Act of Aug. 22, 1964 (Public Law 88-484, 78 Stat. 597); sec. 1(b)(2), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); secs. 211(b) (1) and (2), and 905(b)(2), Tax Reform Act of 1969 (83 Stat. 570, 714)]

PAR. 2. Section 1.301-1 is amended by revising paragraph (d), paragraph (h)(2)(ii)(b), paragraph (j)(1), and paragraph (n)(2). These revised provisions read as follows:

§ 1.301-1 Rules applicable with respect to distributions of money and other property.

* * * * *

(d) *Distributions of property to corporate shareholders.* If property (other than money and other than the obligations of the distributing corporation) is distributed in kind to a shareholder which is a corporation and the fair market value of such property is greater than the adjusted basis in the hands of the distributing corporation, only the adjusted basis of such property (determined immediately before the distribution and increased for any gain recognized to the distributing corporation under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) shall be taken into account under section 301(c). Thus, in such a case, the amount of such a dividend in kind under section 301(c)(1) may not exceed such adjusted basis. Similarly, in such cases where the distribution is not out of earnings and profits, the amount of the reduction in basis of the shareholder's stock and the amount of any gain resulting from such distribution are determined by reference to the adjusted basis of the property distributed. If the property distributed is money, the amount of the distribution shall be the amount of such money. If the property distributed consists of the obligations of the distributing corporation, or stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b), the amount of such distribution shall be an amount equal to the fair market value of such obligations, stock, or rights. For special rules as to distributions by a foreign corporation of property (other than money, the obligations of the distributing corporation, stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b)) after December 31, 1962, to a shareholder which is a corporation, see section 301(b)(1)(C) and paragraph (n) of this section.

* * * * *

(h) *Basis.* * * *

(2) * * *

(ii) * * *

(*b*) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property increased in the amount of gain to the distributing corporation which is recognized under section 311(b) (relating to distributions of LIFO inventory), section 311(c) (relating to distributions of property subject to liabilities in excess of basis), section 311(d) (relating to appreciated property used to redeem stock), section 341(f) (relating to certain sales of stock of consenting corporations), section 617(d) (relating to gain from dispositions of certain mining property), section 1245(a) or 1250(a) (relating to gain from dispositions of certain depreciable property), section 1251(c) (relating to gain from disposition of farm recapture property), or section 1252(a) (relating to gain from disposition of farm land);

* * * * *

(j) *Transfers for less than fair market value.* * * *

(1) Where the fair market value of the property equals or exceeds its adjusted basis in the hands of the distributing corporation the amount of the distribution shall be the excess of the adjusted basis (increased by the amount of gain recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a) to the distributing corporation) over the amount paid for the property;

* * * * *

(n) *Distributions of certain property by foreign corporations to corporate shareholders.* * * *

(2) If any deduction is allowable to the recipient under section 245 with respect to a distribution of property described in subparagraph (1) of this paragraph and if the fair market value of the property exceeds its adjusted basis in the hands of the distributing corporation (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)), then the amount taken into account under section 301(c) shall be determined under subparagraph (3) of this paragraph.

In order to determine such amount—

(i) First, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) which is out of earnings and profits of the taxable year (within the meaning of section 316(a)(2)).

(ii) Second, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251 (c), or 1252(a)) which is out of earnings and profits accumulated during the portion of the uninterrupted period described in section 245(a) which ends at the beginning of the taxable year.

(iii) Third, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) which is out of sources other than earnings and profits of the taxable year and earnings and profits accumulated during the uninterrupted period described in section 245(a).

(iv) Fourth, with respect to each of the portions computed under subdivisions (i), (ii), and (iii) of this subparagraph, determine the proportionate part of the fair market value of the property attributable to such portion. The proportionate part of the fair market value attributable to each portion shall be such fair market value multiplied by the ratio which such portion bears to the sum of all portions.

* * * * *

PAR. 3. Sec. 1.311 is amended by revising subsection (a) of, and adding a new subsection (d) to, section 311, and by inserting a historical note. These revised and added provisions read as follows:

§ 1.311 Statutory provisions; taxability of corporation on distribution.

Sec. 311. *Taxability of corporation on distribution*—(a) *General rule*. Except as provided in subsections (b), (c), and (d) of this section and section 453(d), no gain or loss shall be recognized to a corporation on the distribution with respect to its stock, of—

(1) Its stock (or rights to acquire its stock), or

(2) Property.

* * * * *

(d) *Appreciated property used to redeem stock*.

(1) *In general*—If

(A) A corporation distributes property (other than an obligation of such corporation) to a shareholder in a redemption (to which subpart A applies) of part or all of his stock in such corporation, and

(B) The fair market value of such property exceeds its adjusted basis (in the hands of the distributing corporation),

then [a]gain [sic] shall be recognized to the distributing corporation in an amount equal to such excess as if the property distributed had been sold at the time of the distribution. Subsections (b) and (c) shall not apply to any distribution to which this subsection applies.

(2) *Exceptions and limitations*. Paragraph (1) shall not apply to—

(A) A distribution in complete redemption of all of the stock of a shareholder who, at all times within the 12-month period ending on the date of such distribution, owns at least 10 percent in value of the outstanding stock of the distributing corporation, but only if the redemption qualifies under section 302(b)(3) (determined without the application of section 302(c)(2)(A)(ii));

(B) A distribution of stock or an obligation of a corporation—

(i) Which is engaged in at least one trade or business,

(ii) Which has not received property constituting a substantial part of its assets from the distributing corporation, in a transaction to which section 351 applied or as a contribution to capital, within the 5-year period ending on the date of the distribution, and

(iii) At least 50 percent in value of the outstanding stock of which is owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of the distribution;

(C) A distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in section 1504(a)) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the 1-year period ending on the date of the distribution;

(D) A distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment;

(E) A distribution to the extent that section 303 (a) (relating to distributions in redemption of stock to pay death taxes) applies to such distribution;

(F) A distribution to a private foundation in redemption of stock which is described in section 537(b)(2) (A) and (B); and

(G) A distribution by a corporation to which part I of subchapter M (relating to regulated investment companies) applies, if such distribution is in redemption of its stock upon the demand of the shareholder.

[Sec. 311 as amended by sec. 905 (a) and (b)(1), Tax Reform Act 1969 (83 Stat. 713, 714)]

PAR. 4. Sec. 1.311–1 is amended by revising paragraphs (a), (b), and (d) to read as folows:

§ 1.311–1 General.

(a) Except as provided in subsections (b), (c), and (d) of section 311 and section 453(d) (relating to installment obligations) no gain or loss recognized to a corporation on the distribution, with respect to its stock, of stock, or rights to acquire its stock, or property (regardless of the fact that such property may have appreciated or depreciated in value since its acquisition by the corporation). However, the proceeds of the sale of property in form made by a shareholder receiving such property in kind from the corporation may be imputed to the corporation if, in fact, the corporation made the sale. Moreover, where property is distributed by a corporation, which distribution is in effect an anticipatory assignment of income, such income may be taxable to the corporation. The term "distributions with respect to its stock" includes distributions made in redemption of stock (other than distributions in complete or partial liquidation). See, however, paragraph (e) of this section for distributions to which section 311 does not apply. For the rule respecting the taxation of a corporation making a distribution of property in partial or complex liquidation, see section 336.

(b) In any case in which a corporation distributes with respect to its stock assets which have been part of an inventory, the value of which has been computed for income tax purposes under the method provided in section 472 (relating to last-in, first-out inventories), such corporation shall—

(1) Compute the amount of its inventory under the method provided in section 472 immediately prior to the distribution and immediately after such distribution;

(2) Compute the difference between the two amounts described in subparagraph (1) of this paragraph;

(3) Compute the amount of its inventory under the method authorized by section 471 (relating to general rule for inventories) immediately prior to the distribution and immediately after such distribution;

(4) Compute the difference between the two amounts determined under subparagraph (3) of this paragraph.

If the amount computed under subparagraph (4) of this paragraph is in excess of the amount computed under subparagraph (2) of this paragraph, then such excess shall, under section 311(b), be included in the income of the corporation for the year in which such distribution occurs. In any case in which a corporation distributes assets which have been a part of an inventory whose value has been computed for income tax purposes under the method provided in section 472, such corporation shall on the date of distribution record a specific statement of the amount of its inventory under each of the applicable methods for use in the determination of the amount of income includible under section 311. Section 311(b) and this paragraph do not apply to any distribution which is governed by section 311(d)(1).

* * * * *

(d) Section 311(c) provides in general for the inclusion in the income of a corporation, on a distribution of property by such corporation to its shareholders, of an amount equal to the excess of a liability over the basis of the property distributed. Thus, section 311(c) applies where the property distributed is

subject to a liability or where the shareholder assumes a liability of the corporation in connection with the distribution. For example, if property which is a capital asset having an adjusted basis to the distributing corporation of $100 and a fair market value of $1,000 (but subject to a liability of $900) is distributed to a shareholder, such distribution is taxable (as long-term or short-term gain, as the case may be) to the corporation to the extent of the excess of the liability ($900) over the adjusted basis ($100) or $800. However, if in the preceding example the fair market value of the property distributed were $800, the amount taxable to the corporation is limited to the excess of the fair market value of the property ($800) over its adjusted basis ($100) or $700. If the property subject to a liability were not a capital asset in the hands of the distributing corporation, the gain would be taxable as gain from the sale of a noncapital asset. The holding period of assets so distributed shall be determined as if such property were sold on the date of the distribution. Section 311(c) and this paragraph do not apply to any distribution which is governed by section 311(d)(1).

* * * * *

PAR. 5. The following new section is added immediately after 1.311-1 to read as follows:

§ 1.311-2 Appreciated property used to redeem stock.

(a) *In general.* (1) Section 311(d)(1) provides, in general, that gain is recognized to a corporation which distributes appreciated property (other than an obligation of such corporation) to its shareholders after November 30, 1969, in a redemption (as defined in section 317(b) of its stock to which subpart A, part I, subchapter C, chapter 1 of the Code applies, regardless of whether the redemption is treated as a distribution of property to which section 301 applies. Paragraphs (b) through (i) of this section contain exceptions and limitations provided by section 311(d)(2) and section 905(c) of the Tax Reform Act of 1969 to the application of section 311(d)(1). These exceptions and limitations prevent the recognition of gain to a corporation upon a distribution of appreciated property, but do not broaden the general nonrecognition provisions of section 311(a). Thus, for example, if the proceeds of the sale of property in form made by a shareholder, who received such property from a corporation, are imputed to the corporation (see § 1.311-1(a)), the exceptions and limitations of section 311(d)(2) would have no application.

(2) Section 311(d) applies only where there is an actual redemption of stock as a result of the distribution. Thus, section 311(d) does not apply where there is a distribution of appreciated property pro rata among all shareholders and such shareholders do not transfer any of their stock to the distributing corporation in exchange for such property even though the effect of the transaction would have been the same if there had been actual redemptions. Section 311(d) applies where an acquisition of stock by a corporation is treated under section 304 as a distribution in redemption of the stock of either the acquiring or issuing corporation. Section 311(d)(1) does not apply to a distribution in partial or complete liquidation of a corporation (see sections 331 through 346). In general, the section does not apply to a distribution pursuant to a reorganization to which part III or IV of subchapter C applies or to a distribution of stock or securities of a controlled corporation to which section 355 (or so much of section 356 as relates to section 355) applies. However, if the effect of the distribution is primarily a redemption, section 311(d) will apply. Thus, if one class of shareholders exchanges preferred stock for a lesser amount of new preferred stock (having similar rights and privileges) and for other property, the transaction will be considered a redemption for purposes of section 311(d) rather than a distribution pursuant to a reorganization to which part III or IV of subchapter C would apply.

(3) For purposes of this section, the term "appreciated property" means any property whose fair market value on the date of distribution exceeds its adjusted basis in the hands of the distributing corporation. For purposes of determining the amount of gain which will be recognized under this section, gain realized from the distribution of appreciated property shall not be offset by any loss realized from the distribution of property whose adjusted basis exceeds its fair market value. The amount and nature of gain recognized to a corporation which distributes appreciated property shall be determined as if such property were sold for its fair market value on the date of distribution. The nature of such gain shall be determined by reference to all applicable provisions of law, including section 1245.

(b) *Complete redemption of a 10-percent shareholder.* (1) Section 311(d)(2)(A) provides that section 311(d)(1) shall not apply to a distribution in complete redemption of all the stock of a "10-percent shareholder," provided such distribution qualifies as a redemption in complete termination of such shareholder's interest under section 302(b)(3). Sales and redemptions of stock which are substantially contemporaneous in time and pursuant to a single plan shall be treated as having occurred simultaneously for purposes of determining whether a complete redemption has occurred and whether the distributee is a "10-percent shareholder". For purposes of this paragraph, section 318(a)(1) shall not apply with respect to a distribution described in section 302(b)(3) where section 302(c)(2)(B) does not apply and where immediately after the distribution the distributee has no interest in the corporation (including an interest as an officer, director, or employee) other than an interest as a creditor.

(2) A "10-percent shareholder," for purposes of this paragraph, is a person who, at all times within the 12-month period ending on the date of distribution, owned, without regard to section 318 (relating to constructive ownership of stock), at least 10 percent of the fair market value of all the outstanding stock of the distributing corporation. For purposes of the preceding sentence, a person shall be considered to have owned stock during the period he was considered to have held the stock by reason of the application of section 1223. Where, under the provisions of subpart E, part I, subchapter J, of the Code, any person is treated as the owner of any portion of a trust, stock owned by such trust shall not be considered as owned by such person.

(c) *Distribution of stock of controlled corporation.* (1) Section 311(d)(2)(B) provides that section 311(d)(1) shall not apply to a distribution of stock of a controlled corporation—

(i) Which is engaged in at least one trade or business, and

(ii) Which has not received property (including money) constituting a substantial part of its assets from the distributing corporation, in a transaction to which section 351 applied or as a contribution to capital, within the 5-year period ending on the date of distribution.

For purposes of this paragraph, a corporation is a "controlled corporation" if at least 50 percent of the fair market value of its outstanding stock was owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of distribution. A distribution of stock of a controlled corporation does not qualify for treatment under section 311(d)(2)(B) if the trade or business of such corporation was acquired for the purpose of qualifying the distribution for treatment under that section. However, a trade or business which was acquired more than 1 year before the date of distribution will be presumed not to have been acquired for such a purpose.

(2) (i) In determining, for purposes of subparagraph (1)(ii) of this paragraph, whether property received from the distributing corporation within the 5-year period ending on the date of distribution constitutes a substantial part of the controlled corporation's assets, the amount of money received within such period plus the total fair market value (determined on the date of distribution) of the items of property specified in subdivisions (ii), (iii), and (iv) of this subparagraph shall be compared with the total fair market value of all the controlled corporation's assets on the date of distribution.

(ii) Property other than money received from the distributing corporation shall be taken into account, provided it is held or owned by the controlled corporation on the date of distribution.

(iii) If money is transferred from the distributing corporation to the con-

trolled corporation and then is used, pursuant to a plan of the distributing corporation existing at the time of transfer, to acquire property which the controlled corporation holds or owns on the date of distribution, then the acquired property, in lieu of the money transferred, shall be taken into account.

(iv) If property (other than money) received from the distributing corporation (or property acquired pursuant to plan with money received from the distributing corporation) is exchanged for other property in a transaction in which gain or loss is not recognized in whole or in part to the controlled corporation, the property received in the exchange shall be taken into account, provided it is held or owned by the controlled corporation on the date of distribution.

(3) The principles of this paragraph may be illustrated by the following examples:

Example (1). Corporation M, a toy manufacturer, is a controlled corporation of corporation N. On June 1, 1970, N contributes $200,000 to M's capital. On January 1, 1971, N contributes real estate with a fair market value of $50,000 to M's capital. On February 1, 1975, when N distributes M stock to its shareholders in redemption of its own stock, such real estate, still owned by M, has a fair market value of $100,000. On the date of distribution the total fair market value of all M's assets is $10 million. The distribution meets the requirements of section 311(d) (2) (B) and therefore no gain is recognized to N under section 311 (d) (1).

Example (2). Corporation R is a controlled corporation of corporation S. On April 1, 1970, S contributes $500,000 to R which, pursuant to a plan of S existing at the time of the contribution, R uses to purchase certain securities. On July 1, 1970, S contributes an office building to R. On December 1, 1972, such building is exchanged for another building in a transaction to which section 1031 (relating to exchange of property held for productive use or investment) applies. On February 1, 1975, when S distributes R stock to its shareholders in redemption of its own stock, both the purchased securities and the building received in the exchange are owned by R. On such date, the building and the securities each has a fair market value of $2 million. The total value of contributed property for purposes of subparagraph (1) (ii) of this paragraph is $4 million. On the date of distribution the total fair market value of all R's assets is $8 million. The distribution fails to meet the requirements of section 311(d) (2) (B) since S contributed to R's capital a substantial part of R's assets within the 5-year period ending on the date of distribution.

(d) *Certain distributions made before December 1, 1974*. Section 311(d) (2) (C) provides that section 311(d) (1) shall not apply to a distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in section 1504(a)) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the one-year period ending on the date of distribution. The term "active conduct of a trade or business" shall have the same meaning in this paragraph as in paragraph (c) of § 1.355–1.

(e) *Distributions pursuant to antitrust judgments*. Section 311(d) (2) (D) provides that section 311(d) (1) shall not apply to a distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment. A distribution in redemption of the distributing corporation's stock will be considered in furtherance of the purposes of the judgment if the court finds that such distribution is necessary or appropriate to effectuate the policies of the Sherman Act, or the Clayton Act, or both. Absent such a finding by the court, it is a question of fact in each case whether the distribution is in furtherance of the purposes of the judgment.

(f) *Distributions in redemption of stock to pay death taxes*. Section 311(d) (2) (E) provides that section 311(d) (1) shall not apply to a distribution to the extent that section 303(a) (relating to distributions in redemption of stock to pay death taxes) applies to such distribution. If a corporation distributes both appreciated property and other property in a single distribution and if the total distribution exceeds the amount which qualifies for treatment under section 303, then for purposes of applying section 311(d) (2) (E) and this paragraph, the appreciated property shall be considered as distributed before such other property and to be in redemption of stock described in section 303(a) to the extent thereof.

(g) *Distributions to private foundations*. Section 311(d) (2) (F) provides that section 311(d) (1) shall not apply to a distribution to a private foundation (as defined in section 509) in redemption of stock described in section 537(b) (2) (A) and (B) and the regulations thereunder. If a coporation distributes to a private foundation both appreciated property and other property in a single distribution and if the total distribution exceeds the amount which qualifies for treatment under section 537(b) (2) (A) and (B), then for purposes of applying section 311(d) (2) (F) and this paragraph, the appreciated property shall be considered as distributed before such other property and to be in redemption of stock described in section 537(b) (2) (A) and (B), to the extent thereof.

(h) *Distribution by regulated investment company*. Section 311(d) (2) (G) provides that section 311(d) (1) shall not apply to a distribution by a corporation to which part I, subchapter M, chapter 1 of the Code (relating to regulated investment companies) applies, provided such distribution is in redemption of a redeemable security (as defined in section 2(a) (31) of the Investment Company Act of 1940 (54 Stat. 790; 15 U.S.C. 80a–2(a) (31))).

(i) *Transitional Rules*. Section 311(d) does not apply to—

(1) A distribution before April 1, 1970, pursuant to the terms of—

(i) A written contract which was binding on the distributing corporation on November 30, 1969, and at all times thereafter before the distribution,

(ii) An offer made by the distributing corporation before December 1, 1969,

(iii) An offer made in accordance with a request for a ruling filed by the distributing corporation with the Internal Revenue Service before December 1, 1969, or

(iv) An offer made in accordance with a registration statement filed with the Securities and Exchange Commission before December 1, 1969.

For purposes of subdivisions (ii), (iii), and (iv) of this subparagraph, an offer shall be treated as an offer only if it was in writing and not revocable by its express terms.

(2) A distribution by a corporation of specific property in redemption of stock outstanding on November 30, 1969, if—

(i) Every holder of such stock on such date had the right to demand redemption of his stock in such specific property, and

(ii) The corporation had such specific property on hand on such date in a quantity sufficient to redeem all of such stock.

For purposes of the preceding sentence, stock shall be considered to have been outstanding on November 30, 1969, if it could have been acquired on such date through the exercise of an existing right of conversion contained in other stock held on such date.

(3) A distribution by a corporation of property (held on December 1, 1969, by the distributing corporation or a corporation which was a wholly owned subsidiary of the distributing corporation on such date) in redemption of stock outstanding on November 30, 1969, which is redeemed and canceled before July 31, 1971, if—

(i) Such redemption is pursuant to a resolution adopted before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution; and

(ii) More than 40 percent of the stock authorized to be redeemed pursuant to such resolution was redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money.

(4) A distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the "employer corporation") if—

(i) The stock being distributed was owned by the distributing corporation on November 30, 1969,

(ii) The stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

(iii) The employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

(iv) At least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

(v) At least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of such distribution.

PAR. 6. Section 1.312 is amended by revising section 312(c)(3) and the historical note to read as follows:

§ 1.312 Statutory provisions; effect on earnings and profits.

SEC. 312. *Effect on earnings and profits.* * * *

(c) *Adjustment for liabilities, etc.* * * *

(3) Any gain to the corporation recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617(d)(1), section 1245(a), 1250(a), 1251(c), or 1252(a).

* * * * *

(Sec. 312 as amended by sec. 13(f)(3), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(3), Rev. Act 1964 (78 Stat. 105); sec. 1(b)(1), Act of Aug. 22, 1964 (Public Law 88-484, 78 Stat. 597); sec. 1(b)(3), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); secs. 211(b)(3) and 905(b)(2), Tax Reform Act 1969 (83 Stat. 570, 714))

PAR. 7. Section 1.312-3 is amended to read as follows:

§ 1.312-3 Liabilities.

The amount of any reductions in earnings and profits described in section 312 (a) or (b) shall be (a) reduced by the amount of any liability to which the property distributed was subject and by the amount of any other liability of the corporation assumed by the shareholder in connection with such distribution, and (b) increased by the amount of gain recognized to the corporation under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251 (c), or 1252(a).

[FR Doc.71-7050 Filed 5-19-71;8:49 am]

[26 CFR Part 1]

CAPITALIZATION OF COSTS ON PLANNING AND DEVELOPING ALMOND GROVES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 21, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request in writing, to the Commissioner by June 21, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 to the Act of January 12, 1971 (Public Law 91-680, 84 Stat. 2064), such regulations are amended as follows:

PARAGRAPH 1. Section 1.278 is amended to read as follows:

§ 1.278 Statutory provisions; capital expenditures incurred in planting and developing citrus and almond groves.

SEC. 278. *Capital expenditures incurred in planting and developing citrus and almond groves*—(a) *General rule.* Except as provided in subsection (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus or almond grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) *Exceptions.* Subsection (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus or almond grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests, or casualty, or

(2) Planted or replanted before—

(A) December 30, 1969, in the case of a citrus grove, or

(B) December 30, 1970, in the case of an almond grove.

[Sec. 278 as added by sec. 216, Tax Reform Act 1969 (83 Stat. 373); as amended by Act of January 12, 1971 (Public Law 91-680, 84 Stat. 2064)]

PAR. 2. Section 1.278-1 is amended by revising the title thereof, by revising paragraph (a)(1)(i), by revising subdivisions (ii) and (iii) of paragraph (a)(2), by renumbering subdivisions (ii) and (iii) of paragraph (a)(2) as (iii) and (iv) respectively and adding a new subdivision (ii) to paragraph (a)(2), by revising paragraph (a)(3)(i), by revising paragraph (b)(1), and by revising paragraph (b)(2)(i). These amended and added provisions read as follows:

§ 1.278-1 Capital expenditures incurred in planting and developing citrus and almond groves.

(a) *General rule.* (1)(i) Except as provided in subparagraph (a)(iii) of this paragraph and paragraph (b) of this section, there shall be charged to capital account any amount (allowable as a deduction without regard to section 278 or this section) which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted. For purposes of section 278 and this section, such an amount shall be considered as "incurred" in accordance with the taxpayer's regular tax accounting method used in reporting income and expenses connected with the citrus or almond grove operation. For purposes of this paragraph, the portion of a citrus or almond grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year. The provisions of section 278 and this section apply to taxable years beginning after December 31, 1969, in the case of a citrus grove, and to taxable years beginning after January 12, 1971, in the case of an almond grove.

* * * * *

(2) * * *

(ii) For purposes of section 278 and this section, an "almond grove" is defined as one or more amygdalaceous trees.

(iii) An amount attributable to the cultivation, maintenance, or development of a citrus or almond grove (or part thereof) shall include, but shall not be limited to, the following developmental or cultural practices expenditures: Irrigation, cultivation, pruning, fertilizing, management fees, frost protection, spraying, and upkeep of the citrus or almond grove. The provisions of section 278(a) and this paragraph shall apply to expenditures for fertilizer and related materials notwithstanding the provisions of section 180, but shall not apply to expenditures attributable to real estate taxes or interest, to soil and water conservation expenditures allowable as a deduction under section 175, or to expenditures for clearing land allowable as a deduction under section 182. Further, the provisions of section 278(a) and this paragraph apply only to expenditures allowable as deductions without regard to section 278 and have no application to expenditures otherwise chargeable to capital account, such as the cost of the land and preparatory expenditures incurred in connection with the citrus or almond grove.

(iv) For purposes of section 278 and this section, a citrus or almond tree shall be considered to be "planted" on the

date on which the tree is placed in the permanent grove from which production is expected.

(3) (i) The period during which expenditures described in section 278(a) and this paragraph are required to be capitalized shall, once determined, be unaffected by a sale or other disposition of the citrus or almond grove. Such period shall, in all cases, be computed by reference to the taxable years of the owner of the grove at the time that the citrus or almond trees were planted. Therefore, if a citrus or almond grove subject to the provisions of section 278 or this paragraph is sold or otherwise transferred by the original owner of the grove before the close of his fourth taxable year beginning with the taxable year in which the trees were planted, expenditures described in section 278(a) or this paragraph made by the purchaser or other transferee of the citrus or almond grove from the date of his acquisition until the close of the original holder's fourth such taxable year are required to be capitalized.

* * * * *

(b) *Exceptions*. (1) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section) and attributable to a citrus or almond grove (or part thereof) which is replanted by a taxpayer after having been lost or damaged (while in the hands of such taxpayer) by reason of freeze, disease, drought, pests, or casualty.

(2) (i) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section), and attributable to a citrus grove (or part thereof) which was planted or replanted prior to December 30, 1969, or to an almond grove (or part thereof) which was planted or replanted prior to December 30, 1970.

* * * * *

[FR Doc.71-7049 Filed 5-19-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-29]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Youngstown, Ohio, Transition Area (36 F.R. 2140) and Control Zone (36 F.R. 2055) and revoke the Youngstown, Ohio (Lansdowne Airport) Transition Area (36 F.R. 2140) and Youngstown, Ohio (Youngstown Executive Airport) Transition Area (36 F.R. 2140).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Youngstown, Ohio, control zone and transition area to provide controlled airspace to protect aircraft executing the instrument approach procedures for Youngstown Municipal Airport. In addition, the Youngstown, Ohio (Lansdowne Airport), transition area and the Youngstown, Ohio (Youngstown Executive Airport), transition area will be revoked and the controlled airspace required to protect aircraft executing the instrument approaches to these airports will be included in the proposed alteration of the Youngstown, Ohio, transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Youngstown, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Youngstown, Ohio, control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Youngstown, Ohio, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, 41°03'33" N., 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, 41°07'45" N., 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

(b) Revoke the Youngstown, Ohio (Lansdowne Airport) transition area.

(c) Revoke the Youngstown, Ohio (Youngstown Executive Airport) transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the DOT Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7009 Filed 5-19-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-6527]

CONTRACTUAL PLANS FOR MUTUAL FUND SHARES AND VARIABLE ANNUITIES

Notice of Public Conference

On April 29, 1971, the Commission published for comment Investment Company Act Release No. 6493, published in the FEDERAL REGISTER for May 4, 1971 at 36 F.R. 8319, notice of proposals under the Investment Company Act of 1940 to (a) adopt rules 27d-1, 27e-1, 27f-1, 27g-1, 27h-1, and Forms N-27D-1, N-27E-1, N-27F-1, N-27F-2, and N-27F-3 with respect to reserve, notice and refund requirements in connection with the sale of periodic payment plan certificates, and (b) amend rules 27a-1, 27a-2, 27a-3, and 27c-1. Interested persons have been given until May 28, 1971 to comment upon the proposals. Requests for a conference with the Commission have been received from a number of persons in order to permit them to express orally their views concerning those proposals to the Commission.

In view of these requests the Commission has determined to hold a Public Conference at 10 a.m. on May 28, 1971. Any person who wishes to be heard

should, on or before May 24, 1971, write to the Securities and Exchange Commission, Washington, D.C. 20549 setting forth the persons or associations which he represents and suggesting the time desired to present his views. Only those persons who have submitted a written presentation at least 2 days prior to the date of the public conference will be heard. At the opening of the conference the Chairman will allot the time among the persons requesting to be heard.

By the Commission, May 17, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7101 Filed 5-19-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposal To Establish Definition of Small Business for Forestry Services for Purpose of Government Procurement

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to establish a definition of small business for Standard Industrial Classification Industry No. 0851, Forestry Services, for the purpose of Government procurement.

Section 121.3-8 of the Regulation provides that, if no standard is set forth in § 121.3-8 for a particular industry, field of operation or activity, the applicable size standard is 500 employees.

No separate size standard has been established for SIC Industry No. 0851 above, and therefore currently the applicable size standard for the purpose of procurement of a service classified in such industry is 500 employees.

Government data reveals that 97 percent of the businesses engaged in forestry and providing forestry services, have annual receipts under $1 million, and together account for 78 percent of total receipts. Under these circumstances, it is believed that $1 million in annual receipts is a more appropriate definition of small business than 500 employees which apparently includes substantially all concerns engaged in these activities.

Accordingly it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding new § 121.3-8(h) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(h) *Forestry services.* Any concern bidding on a contract for forestry services (Standard Industry Classification Industry No. 0851) is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

Dated: May 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7004 Filed 5-19-71;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

OFFICES OF INTERNATIONAL TRAINING AND PUBLIC SAFETY

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator of the Agency for International Development, dated March 13, 1969 (34 F.R. 6446), I hereby redelegate to the incumbents of the positions in the Office of International Training (OIT) and the Office of Public Safety (OPS) designated on the table which appears following paragraph 4 of this delegation, and within the limits stated for each position in the table, authority to sign or approve the documents specified therein for purposes related to the participant training program.

1. The authorities herein delegated are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D.

2. Any actions taken prior to the effective date hereof by officers duly authorized pursuant to superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom relevant authority has been delegated in this delegation.

3. Nothing herein shall be construed to derogate from the authority of the Chief, Contract Services Division, and the Contracting Officers of the Contract Operations Branch, Contract Services Division, Office of Procurement, in their discretion, at any time to exercise any of the functions herein delegated.

4. The authorities delegated herein may not be redelegated, but may be exercised by persons who are performing the functions of the designated officers in an "Acting" capacity.

OFFICERS AUTHORIZED TO OBTAIN GOODS AND SERVICES RELATIVE TO THE PARTICIPANT TRAINING PROGRAM

Director, and his Deputy; Assistant Director for Program, and his Deputy, OIT. Director, and his Deputy; Chief Training Division, and his Deputy, OPS.	Assistant Director for Administration; Head, Contract Office, OIT/AD	Chiefs, Program Division Training Branches, OIT/PD	Development Training Specialists, OIT/PD	
$50,000	Nil	$3,500	Nil	Task Orders Against Basic Ordering Agreements with universities or other educational institutions (including firms and organizations engaged in training) for participant training costs.
$50,000	Nil	$3,500	Nil	Contracts with universities or educational institutions for participant training costs based on published catalog tuition prices or other published mediums by which the institutions announce terms and conditions for enrollment.
$7,500	$7,500	Nil	Nil	Interpreting (including translating) services contracts and field program manager contracts.
$2,500	$2,500	$1,000	[1] $1,000	Purchase Orders to effect purchases related to the participant training program in accordance with procedures set forth in Federal Procurement Regulations Subpart 1-3.

[1] This authority may also be executed by Field Program Managers, OIT.

5. This Redelegation of Authority supersedes in its entirety the Redelegation of Authority to the Incumbents, Offices of International Training and Public Safety, dated August 24, 1970 (35 F.R. 13801).

6. This Redelegation of Authority shall be effective immediately.

Dated: May 12, 1971.

LANE DWINELL,
Assistant Administrator for Administration.

[FR Doc.71-7021 Filed 5-19-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-12867]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 13, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-12867, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

Until June 22, 1971, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1-3(o)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Tomichi Creek Picnic Ground

T. 48 N., R. 5 E.,
Sec. 30, lots 5, 10, S½NE¼NE¼, N½SE¼NE¼.

Snowblind Campground

T. 49 N., R. 5 E.,
Sec. 9, lots 4, 5, W½SW¼NE¼.

Middle Quartz Campground

T. 50 N., R. 5 E.,
Sec. 4, W½SW¼, NW¼;
Sec. 5, SE¼NE¼, N½NE¼SE¼.

Mesa Campground

T. 49 N., R. 6 W.,
Sec. 27, S½SW¼SE¼.

SIXTH PRINCIPAL MERIDIAN

Timberline Overlook

T. 14 S., R. 81 W.
Sec. 11, E½NW¼NE¼SW¼, E½NE¼SW¼.

Cottonwood Pass Observation Site

T. 14 S., R. 81 W.,
Sec. 14, SE¼NW¼SE¼.

Avery Peak Campground

T. 12 S., R. 86 W.,
Protraction Diagram No. 15 dated 5-10-65.
Sec. 33, NW¼NE¼.

The areas described aggregate approximately 350 acres.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals Program Management and Land Office.

[FR Doc.71-6996 Filed 5-19-71;8:45 am]

[Colorado 0123957]

COLORADO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation, U.S. Department of the Interior Application, Colorado 0123957, for withdrawal and reservation of lands for reclamation purposes in connection with the White Water Unit, Colorado River Storage Project, was published as F.R. Doc. 64-10234, on pages 13909 and 13910 of the issue of October 8, 1964. The applicant agency has cancelled its application insofar as it affects the following described lands:

UTE MERIDIAN, COLORADO

T. 2 S., R. 1 E.,
Sec. 4, W½SW¼NW¼, containing 20 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on June 17, 1971, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[FR Doc.71-7020 Filed 5-19-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (36 F.R. 3205, 4710, and 7025) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Miller Abattoir Co	179		(*)					
Missouri Beef Packers, Inc	473B	(*)						
Castle Brands, Ind	816					(*)		
Winchester Packing Co	5500	(*)				(*)		
Lewis Meats	6175	(*)	(*)	(*)		(*)		
Sixty Six Packing Co	7023	(*)	(*)	(*)		(*)		
Kentucky Sausage Co., Inc	7300					(*)		
Bowman Locker Plant	7620	(*)				(*)		
New establishments reported: 8.								
Armour & Co	2HT		(*)					
City Custom Packing Co., Inc	387			(*)	(*)			
Meats, Inc	899		(*)					
Pony Express Ranch	2398		(*)					
Schwartzman Packing Co	7003		(*)					
Kachino Packing Co	7040					(*)		
Fred Born	7648					(*)		
Species Added: 8.								

Done at Washington, D.C., on May 14, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-7017 Filed 5-19-71;8:47 am]

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearings Regarding Applications

Notice is hereby given of public hearings to be held upon the applications of the following designated tobacco markets for additional inspection and price support services to cover one additional sale on each market:

Mullins Warehouse Association, Mullins, S.C., by J. L. Dew, President. The hearing upon this application will be held May 25, 1971, at the County Agricultural Building in Mullins, S.C., beginning at 9:30 a.m., e.d.t.

Farmville Tobacco Board of Trade, Farmville, N.C., by Robert P. Pierce, President. The hearing upon this application will be held May 26, 1971, in the Courtroom, Municipal Building, Farmville, N.C., beginning at 9:30 a.m., e.d.t.

Danville Tobacco Association, Danville, Va., by W. N. Terry, Jr., President. The hearing upon this application will be held May 27, 1971, in the Federal Courtroom, U.S. Post Office Building, Danville, Va., beginning at 9:30 a.m., e.d.t.

The aforesaid public hearing will be conducted and evidence received pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, as amended, effective September 10, 1969 (7 CFR Part 29, Subpart A, 34 F.R. 14461).

Done at Washington, D.C., this 18th day of May 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-7066 Filed 5-19-71;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-555]

HENRY C. AND SARA M. VESSELL

Notice of Loan Application

MAY 17, 1971.

Henry C. Vessell and Sara M. Vessell, 827 Pioneer Road, Brookings, OR 97415, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 46-foot length overall wood vessel to engage in the fisheries for salmon, albacore, shrimp, Dungeness crab, and bottomfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled appli-

cation is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

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

[FR Doc.71-7036 Filed 5-19-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-227]

GULF OIL CORP.

Notice of Proposed Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility License No. R-100 to Gulf Oil Corp. The amendment would authorize Gulf to: (1) Use an improved type of fuel element, (2) increase the steady-state power level from 1.5 megawatts (thermal) to 2 megawatts (thermal), (3) increase the amount of uranium-235 from 10 kilograms to 30 kilograms that the licensee may receive, possess, and use, and (4) to irradiate simultaneously up to 10 direct conversion devices in the TRIGA Mark III reactor located at Torrey Pines Mesa near San Diego, Calif. The amendment would also restate the license in its entirety to delete from the license the requirements for reports and recordkeeping (these requirements will be incorporated in the Technical Specifications), and to incorporate all of the applicable amendments previously issued. Gulf was authorized by CPRR-109, dated June 26, 1970, to make certain structural changes to the TRIGA Mark III facility which would permit the use of either the standard TRIGA fuel elements or the new FLIP fuel elements. Amendment No. 2 to Facility License No. R-100, issued September 2, 1970, authorized the operation of the modified reactor with the standard TRIGA fuel elements.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to the proposed issuance, see (1) the application dated January 29, 1970, and supplements thereto, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, (3) the proposed amended facility license, and (4) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-7038 Filed 5-19-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23385; Order 71-5-69]

NACA FACILITIES AND SERVICE CORP.

Order Authorizing Discussions and Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1971.

NACA Facilities and Service Corp. (FASCO)[1] requests authority from the Board for the conduct of joint discussions among United States and foreign supplemental airlines using the North Passenger Terminal Complex (NPT), consisting of Buildings 197 and Hangar 11 at John F. Kennedy Airport. The purpose of such discussions is to resolve the problem posed by a request of the Port of New York Authority (PNYA) which was made of FASCO to coordinate, for the heavy summer travel season, the scheduling of arrivals and departures of all carriers using NPT. FASCO states that it and PNYA are concerned about the possibility of serious overcrowding of terminal facilities by passengers and their guests, and as well about the overcrowding and delays of aircraft at the limited number of gate positions available. PNYA by telegram dated May 11, 1971, supports the FASCO request, and urges that discussions be authorized "to avoid repetition of the serious crowding that has occurred in the past."[2]

Upon consideration of the matter, we have decided to grant FASCO's request for multicarrier discussions, subject to the restrictions set forth below. The instant circumstances are very similar to those which caused us to authorize discussions relating to congestion at the International Arrivals Building, Kennedy Airport, Order 71-1-55, January 12, 1971. As was there the case, the congestion caused by large numbers of simultaneously arriving or departing passengers and their entourage at NPT presents extraordinary circumstances which warrant the affected carriers' collective consideration. Accordingly, we find that the public interest in reducing the NPT congestion problem warrants a grant of approval for discussions and joint arrangements among affected airlines. However, we also find that the public interest requires the imposition of the restrictions hereinafter stated.

To begin with, the area of concern presently before the Board involves departure or arrival of passengers only at NPT. For this reason, the parties eligible to enter into discussions and joint arrangements for the adjustment of passenger departures and arrivals at NPT will be limited to those United States and foreign air carriers that transport passengers for departure from or arrival at Kennedy Airport's NPT and the discussions will be limited to the facilities congestion problem at NPT. On the other hand, the discussions need not be limited to the movement of aircraft utilizing NPT, but may extend to consideration of such factors, for example, as types and characteristics of aircraft carrying passengers to or from NPT, load factors on such aircraft, the number of passengers actually being transported, time of arrivals, and proposed remedies for or accommodation to the facilities congestion problem.

Our approval of the carriers' discussions and arrangements also extends to resultant agreements among the discussants for the adjustment of flight movements at NPT, to further PNYA and FASCO's needs. Such prior approval is being granted out of recognition of the need for expedition relating to the discussions and plans for the 1971 peak action. The reporting and filing conditions and our retention of jurisdiction will provide us with the means for taking any further action on such agreements as may be in the public interest.

The procedures to be followed in conducting the discussions will be left to the discretion of the parties involved. However, we will require that adequate

[1] By Order 71-1-5, Jan. 4, 1971, the Board approved the creation by various supplemental air carriers of FASCO for the purpose of operating, managing, developing, and constructing airport terminal facilities and other related activities.

[2] Trans International Airlines, Inc. has joined in the request.

notice of any meeting be given [3] and that a Board observer be permitted to attend each meeting as well as any representatives designated by PNYA, and other interested Federal, State or local departments and inspection agencies. In addition, we will require the carriers to file within 5 days of each meeting a full and complete report of each NPT carrier meeting summarizing the inter-carrier discussions and detailing the arrangements made in and resulting from those discussions. Such detail shall include explanation of how such arrangements will cause flight operations to be conducted differently than if no such collective arrangements existed. Since the Board is granting prior approval to the holding of the NPT carriers' discussions and arrangements, these reports will enable the Board to determine whether any subsequent Board action is necessary. Further, our approval shall extend to October 24, 1971, the present expiration date of analagous authorizations.[4]

Accordingly, it is ordered, That:

1. FASCO and Trans International Airlines, Inc., be and they hereby are authorized to hold discussions and enter into joint arrangements with other United States and foreign supplemental air carriers providing interstate, overseas, or foreign air transportation to New York City at NPT, John F. Kennedy Airport, to alleviate the facility congestion for passenger arrivals and departures at such terminal, subject to the following conditions:

(a) The purpose of the discussions shall be to facilitate the voluntary adjustments in passenger arrivals and departures so that the total of such arrivals will not exceed the limitations of NPT's facilities as agreed upon by PNYA, the carriers, and FASCO;

(b) Discussions and arrangements shall be limited to the matters affecting passenger arrival and departure facilities congestion proglems only at NPT, John F. Kennedy Airport in New York City;

(c) The authorization also constitutes approval pursuant to section 412 of the Federal Aviation Act of any agreement for the adjustment of flight operations which may be made among the discussants stemming solely from activities in conformity with this order;

(d) Eligibility to participate in the activities authorized herein shall extend to all certificated supplemental air carriers authorized to provide services at John F. Kennedy Airport, New York City, and all foreign air carriers holding permits authorizing charter foreign air transportation as defined in § 214.2(a) of the Board's economic regulations; *Provided,* That service by such carriers at the John F. Kennedy Airport is in fact provided at NPT;

(e) A notice of any meeting called pursuant to this order shall be filed with the Board in this docket and mailed to all carriers referred to in subparagraph (d), supra, and agencies and authorities referred to in paragraph 4, infra, at least 7 calendar days prior to such meeting; a detailed report (or complete and accurate minutes) of all discussions, and details of all arrangements entered into, will be made, and copies thereof shall be served on each of the above persons upon whom a meeting notice must be mailed within 14 days after the conclusion of each meeting, and two copies thereof shall be filed with the Board within 5 working days after the conclusion of each meeting or at the same time that copies are served upon the carriers, whichever is earlier;

(f) Representatives of the Board and all interested Federal, State, or local departments and agencies; of all carriers dscribed in subparagraph (d), above; of the Port of New York Authority; and of any civic, trade, or consumer association or group, shall be permitted to attend the meetings;

(g) The discussants shall not diseuss operations in particular city pairs or submit information concerning their proposed services or schedules in such a fashion as to indicate the city pairs or chartering parties involved;

(h) The authorizations and approvals herein shall not be construed as authorizing discussions of rates, fares, charges, or inflight and other services in connection with air transportation; and

(i) FASCO shall file with the Board a report in triplicate containing any information submitted to it by the carriers in advance of the discussions showing the respective carriers' proposed operations, or any report received from or sent by it to the discussants pertaining to such discussions; such report shall be filed with the Board at the same time that it is transmitted to the carriers, or in the case of reports received by FASCO, within five days after receipt;

2. The authorization granted herein shall expire on October 24, 1971, and this order may be earlier revoked or amended at any time at the discretion of the Board;

3. The Board reserves the right to disapprove or modify any arrangements resulting from the discussions herein authorized; and

4. A copy of this order shall be served upon all U.S. supplemental air carriers and all carriers holding permits from the Board which provide foreign air service to NPT, John F. Kennedy Airport; the Departments of the Treasury, Transportation and Justice; the Federal Aviation Administration; and the Port of New York Authority.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.71-7037 Filed 5-19-71;8:48 am]

[3] See Orders 71-1-55 and 70-11-112, respectively authorizing discussions pertaining to passenger congestion at the JAB, Kennedy Airport, and to operation of the FAA's High Density Rule at certain airports.

[4] We are already advised in the application that if it is approved, the subject discussions will be held on May 17, 1971 at 0930 at the Hotel Riviera, North Conduit Road, Jamaica, NY. In these circumstances, the notice provision in ordering paragraph 1(e) shall not be deemed to apply to the May 17 meeting.

CIVIL SERVICE COMMISSION

LICENSED PRACTICAL NURSE; WEST HAVEN, CONN. AND BOSTON SMSA AND BROCKTON, MASS.

Notice of Establishment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-621 LICENSED PRACTICAL NURSE

Geographic Coverage: West Haven, Conn.

Effective date: First day of the first pay period beginning on or after May 16, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3	$6,444	$6,628	$6,812	$6,996	$7,180	$7,364	$7,548	$7,732	$7,916	$8,100
GS-4	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686
GS-5	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248

GS-621 LICENSED PRACTICAL NURSE

Geographic Coverage: Boston SMSA [1] and Brockton, Mass.

Effective date: First day of the first pay period beginning on or after May 16, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3	$6,444	$6,628	$6,812	$6,996	$7,180	$7,364	$7,548	$7,732	$7,916	$8,100
GS-4	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686
GS-5	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248

All new employees in the specified occupational level will be hired at the new minimum rates.

[1] (Boston Standard Metropolitan Statistical Area includes Essex County (part), Middlesex County (part), Norfolk County (part), Plymouth County (part), and Suffolk County).

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

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

[FR Doc.71-7083 Filed 5-19-71;8:49 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-6, RP71-57]

TENNESSEE GAS PIPELINE CO.

Order Regarding Tariff Sheets

MAY 11, 1971.

Order permitting filing of substitute tariff sheets, requiring filing of undertaking to assure refund of excess charges under tariff sheets made effective by motion and consolidating proceedings.

Tennessee Gas Pipeline Co. (Tennessee) on September 1, 1970, tendered for filing in Docket No. RP71-6 revised tariff sheets to its FPC Gas Tariff, Eighth Revised Volume No. 1 and Fifth Revised Volume No. 2, to become effective October 17, 1970. The proposed rate change would increase Tennessee's jurisdictional revenues by $108,396,100 annually, based on volumes for the 12-month period ended May 31, 1970, as adjusted. The Commission by its order issued October 13, 1970 suspended the proposed tariff sheets until March 17, 1971.

On December 10, 1970, Tennessee filed revised tariff sheets in Docket No. RP71–57 tracking supplier rate increases, filed by producers in Southern Louisiana as a result of Order No. 413, issued October 27, 1970 in Docket No. R-394. On January 15, 1971, the Commission authorized this tracking increase to become effective as of January 10, 1971. Subsequently Tennessee on February 12, 1971, filed substitute revised tariff sheets [1] in Docket No. RP71-6 which reflect the increase in rates which became effective in Docket No. RP71-57.

Tennessee requests waiver of section 154 of the Commission's regulations and Part 2 of the Commission's rules so that the proposed substitute tariff sheets may become effective March 17, 1971.

Section 4(e) of the Natural Gas Act provides in part:

> If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification or service shall go into effect.

The instant proceeding has not been concluded nor any order made, and the suspension period has expired.

The Commission finds:

(1) Tennessee having filed a motion on February 12, 1971, in accordance with the provisions of section 4(e) of the Natural Gas Act, to make the increased rates and charges effective on March 17, 1971, such increased rates and charges became effective on that date, subject to refund and to further orders of the Commission in these proceedings.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act to require Tennessee to file an undertaking with respect to the increased rates and charges made effective on March 17, 1971, as hereinafter ordered and conditioned.

(3) Since Tennessee's rates are presently the subject of proceedings in Docket No. RP71-6, it appears appropriate that the proceedings in Docket No. RP71-57 be consolidated therewith.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act and Part 2 of the Commission's rules of practice and procedure are hereby waived to permit filing of the above listed tariff sheets, to be effective March 17, 1971, subject to any orders heretofore issued in Docket No. RP71-6, and such orders which hereafter may be issued in these consolidated proceedings.

(B) Docket No. RP71-56 is hereby consolidated with Docket No. RP71-6 for purposes of hearing and decision.

(C) Tennessee, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in the above-described revised tariff sheets, for all gas sold and delivered under the rate schedules contained therein on or after March 17, 1971.

(D) Tennessee shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 5½ percent per annum from the date of payment to Tennessee until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of March 17, 1971, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and delivered under the above-described revised tariff sheets, and the revenues resulting therefrom as computed under the rates in effect immediately prior to March 17, 1971, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(E) Within 15 days from the date of issuance of this order, Tennessee shall execute and file with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) above, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule as follows:

> Agreement and undertaking of Tennessee Gas Pipeline Co. to comply with the terms and conditions of the order issued by the Federal Power Commission ____________, 1971, in Docket No. RP71-6 et al.
>
> In conformity with the requirements of the order issued in Docket No. RP71-6 et al., Tennessee Gas Pipeline Co. hereby agrees and undertakes to comply with the terms and conditions of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this____________day of____________, 1971.
>
> TENNESSEE GAS PIPELINE COMPANY.
> By________________________
>
> Attest:
>
> ________________________

(F) Unless notified to the contrary by the Secretary of this Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(G) If Tennessee in conformity with the terms and conditions of paragraph (D) of this order, makes the refunds, if any, as required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7023 Filed 5-19-71;8:47 am]

[Projects Nos. 746, 2598]

CITY OF AUGUSTA AND GEORGIA POWER CO.

Order Vacating Order Issuing License and Accepting Surrender of Minor Part License

MAY 12, 1971.

On November 17, 1970, the City Council of Augusta, Georgia and Georgia Power Co. (applicants) filed a joint application to vacate the Commission's order of December 22, 1969, issuing a major license for the proposed redeveloped Augusta Canal Project No. 2598. That order also accepted surrender of

---

[1] Eighth Revised Volume No. 1: Substitute Original Sheets Nos. 11A, 41A, 66G, 66H, 80A, 92A, 143A; 1st Revised Sheet No. 3A; Substitute 1st Revised Sheets Nos. 10, 11, 66E, 66F, 80, 92, 115, 123, 132A, 132L, 132M, 132N, 132O, 133, 135, 138; Substitute 2d Revised Sheets Nos. 132H, 132I; Substitute 3d Revised Sheets Nos. 1, 132F, 132G, 143; Substitute 4th Revised Sheets Nos. 7, 9, 12, 41, 67, 132B; Substitute 5th Revised Sheets Nos. 37, 42; Substitute 6th Revised Sheet No. 39; Substitute 7th Revised Sheet No. 2; Substitute 9th Revised Sheets Nos. 3, 114B, Substitute 10th Revised Sheet No. 103; Substitute 11th Revised Sheets Nos. 8, 38, 79, 81, 91, 93, 120; Substitute 12th Revised Sheet No. 40. 5th Revised Volume No. 2: Substitute 1st Revised Sheets Nos. 11, 25, 41, 42.

the minor part license held by the city of Augusta for the existing Augusta Canal Project No. 746 which was issued for a period of 50 years from June 24, 1929.

Under the proposed scheme of redevelopment, a new outdoor powerhouse was to be constructed containing one unit developing 12,000 kw. and utilizing the flows available from the existing canal. On January 23, 1970, applicants filed an application for reconsideration and amendment of the license for Project No. 2598. Subsequently, several extensions of time within which to return to the Commission the acknowledgment of acceptance of a license for Project No. 2598 were obtained. Applicants now report that, as a result of a change in allocation of water between the proposed project and the city's water supply pumping station, the water available now makes the proposed power redevelopment uneconomic.

Public notice of the filing of the application has been given. No petitions to intervene, notices of intervention or protests have been filed.

Under these circumstances, we believe it appropriate to vacate our order of December 22, 1969, thereby reinstating the minor part license for existing Project No. 746.

The Commission finds:

It is appropriate for the purpose of the Federal Power Act to vacate the Commission's order of December 22, 1969, as hereinafter provided.

The Commission orders:

The Commission's order of December 22, 1969, issuing major license and accepting surrender of minor part license in Projects Nos. 2598 and 746 is hereby vacated and the proceeding in Project No. 2598 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7024 Filed 5-19-71;8:47 am]

[Docket No. CP71-261]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 13, 1971.

Take notice that on April 29, 1971, East Tennessee Natural Gas Co. (applicant), Post Office Box 10245, Knoxville, TN 37919, filed in Docket No. CP71-261 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of a portion of its Morristown lateral, located near Morristown, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it owns and operates a lateral of approximately 16,605 feet of 4½-inch pipeline which is used to make deliveries of natural gas to United Cities Gas Co. (United Cities), for resale and distribution in the city of Morristown, Tenn. Applicant proposes herein to abandon by sale to United Cities 7,353 feet of said lateral located downstream from the Morristown Measuring Station. This abandonment by sale is at the request of United Cities which proposes to expand its distribution system by the employment of this pipeline. The application further states that the abandonment of facilities proposed herein will not affect the level of service provided by applicant to United Cities at Morristown.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7025 Filed 5-19-71;8:47 am]

[Docket No. RP71-113]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MAY 12, 1971.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on April 28, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $34,357 annually based on volumes for the 12-month period ended June 30, 1969. The proposed increase would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas which will result from a rate filing which its supplier, Texas Gas Transmission Corp., intends to file with the Commission, to become effective June 1, 1971. In case of suspension of the proposed rate increase, Lawrenceburg requests that the increased rates be suspended to a date no later than the date on which the rates to be filed by Texas Gas become effective.

Copies of the filing were served on Lawrenceburg's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7026 Filed 5-19-71;8:47 am]

[Docket No. G-6086 etc.]

MAPCO INC.

Notice of Petition To Amend

MAY 13, 1971.

Take notice that on April 15, 1971, MAPCO Inc. (petitioner), 1437 South Boulder Avenue, Tulsa, OK 74119, filed in Docket No. G-6086 et al., a petition to amend the certificates of public convenience and necessity heretofore issued to MAPCO Production Co. pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to continue the sales of natural gas heretofore authorized to be made in said dockets, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it has merged MAPCO Production Co., its subsidiary, and that it proposes to continue without change the sales of natural gas in interstate commerce authorized to be made by MAPCO Production Co.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7027 Filed 5-19-71;8:47 am]

[Docket No. RP71-114]

WESTERN TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MAY 12, 1971.

Take notice that on May 3, 1971, Western Transmission Corp. (Western) tendered for filing proposed tariff changes in its FPC Gas Tariff, Original Volume No. 1, to become effective June 30, 1971. The proposed rate change would increase the charge to Colorado Interstate Gas Co. as set forth in Western's Rate Schedule F from 21 cents to 26 cents per Mcf. Western states that such rate change would result in increased jurisdictional revenue of $115,887 from present facilities or $159,300 from contemplated increased facilities, based on sales for the 12-month period ended December 31, 1970, as adjusted.

Western states that the proposed change is necessary to alleviate the losses presently being incurred in its pipeline operations and to enable Western to offer competitive gas purchase agreements to producers in order to stimulate exploration and development of gas reserves in Western's supply area. The proposed rates include a claimed rate of return of 11 percent.

Copies of the filing were served on Colorado Interstate Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7028 Filed 5-19-71;8:48 am]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

MAY 12, 1971.

On February 27, 1969, Western Colorado Power Co., licensee for Ouray Project No. 733 located in the vicinity of Ouray County, Colo., on the Uncompahgre River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since that time, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Colorado Power Co. for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period April 13, 1971, to April 12, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7029 Filed 5-19-71;8:48 am]

[Project No. 2244]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Application for Amendment of License for Constructed Project

MAY 12, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Washington Public Power Supply System (correspondence to: Owen W. Hurd, Managing Director, Washington Public Power Supply System, Box 6510, 130 Vista Way, Kennewick, WA 99336) for its constructed Packwood Hydroelectric Project No. 2244 located on Lake Creek and Packwood Lake in Lewis County, Wash. The project affects lands of the United States within the Gifford Pinchot National Forest.

Licensee seeks amendment to the license to:

(1) Incorporate a memorandum of agreement dated November 2, 1967, signed by the licensee and the U.S. Forest Service, Bureau of Sports Fisheries and Wildlife, Bureau of Commercial Fisheries, Washington Department of Fisheries, and Washington Game Commission in accordance with Article 39 and providing for minimum fishwater releases into Lake Creek and maintenance of stream improvements; (2) amend Article 37 to establish the minimum operating pool at elevation 2,849 during the period September 16 through April 30, in lieu of minimum elevation 2,850.5 now prescribed, to allow a full 8-foot of drawdown during winter critical hydro period; (3) authorize adoption of rule curve to permit pool levels ranging from elevations 2,854 to 2,857.0±0.5 from May 1 to June 18 depending on prediction of runoff, to minimize hardships in obtaining the prescribed May 1 elevation 2,857 in dry years and enhance operating pool control during peak runoff periods in years of heavy flows; (4) discontinue the requirement for duplicated U.S.G.S. gauging facilities below the drop structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7030 Filed 5-19-71;8:48 am]

FEDERAL RESERVE SYSTEM

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southwest Bancshares, Inc., Houston, Tex., for approval of acquisition of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southwest Bancshares, Inc, Houston, Tex., a registered bank holding company, for the Board's prior approval of the acquisition of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex. Applicant, through a wholly owned subsidiary, presently controls 22.1 percent of the voting shares of The National Bank of Longview.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 11, 1971 (36 F.R. 2882), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded

to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30 calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and provided further that (c) applicant divest itself of its interest in voting shares of The Kilgore National Bank, Kilgore, Tex., within 2 years of the date of this order.

By order of the Board of Governors,[2] May 14, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6995 Filed 5-19-71;8:45 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Statement of Governor Robertson concurring in part and dissenting in part also filed as part of the record and available upon request.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sherrill. Concurring in part and dissenting in part: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MAY 14, 1971.

On January 9, 1971, there was published in the FEDERAL REGISTER (36 F.R. 338), a letter dated December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile product produced or manufactured in the Republic of Korea and exported to the United States during the 6-month period beginning January 1, 1971. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of May 14, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs amending the levels of restraint applicable to cotton textiles in Categories 45, 46, 49, 50, 52, 53, and 55 for the 6-month period which began on January 1, 1971.

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

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

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

MAY 14, 1971.

DEAR MR. COMMISSIONER: On December 31, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile product in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1971, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 31, 1970, the levels of restraint provided in that directive for cotton textile products in Categories 45, 46, 49, 50, 52, 53, and 55 produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States, for the period beginning January 1, 1971, and extending through June 30, 1971, are hereby amended as follows, to be effective as soon as possible:

Category		*Amended 6-month level of restraint*[2]
45	dozen	19,145
46	do	15,315
49	do	15,954
60	do	26,802
52	do	19,144
53	dq	6,077
55	do	6,077

[2] These levels have not been adjusted to reflect entries made on or after Jan. 1, 1971.

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

Sincerely yours,

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

[FR Doc.71-7022 Filed 5-19-71;8:47 am]

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

NATIONAL ENDOWMENT FOR THE ARTS

ESTABLISHMENT OF IDENTIFICATION DEVICE

The following device is hereby established as the official identifying device of the National Endowment for the Arts, effective April 30, 1971. This device will generally be used on stationary, program announcements, brochures and other publications of the National Endowment for the Arts.

NANCY HANKS,
Chairman, National Endowment for the Arts.

[FR Doc.71-7046 Filed 5-19-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[811-923]

CONSOLIDATED FINANCIAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 14, 1971.

Notice is hereby given that Consolidated Financial Corp., Suite 2200, 208 South La Salle Street, Chicago, IL 60604 (Applicant), registered as a nondiversified, closed-end 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 made therein, which are summarized below.

Applicant was incorporated under the corporation law of Florida on November 3, 1902, and was named Consolidated Naval Stores Co. until March 23, 1961, when the present name was adopted. Applicant registered under the Act on January 22, 1960 as a nondiversified, closed-end investment company.

On January 27, 1971, the respective boards of directors of Applicant and of Baker, Fentress & Co. (Baker Fentress), a Delaware corporation registered under the Act since November 23, 1970 as a nondiversified, closed-end investment company, adopted resolutions approving an agreement of merger of Applicant into Baker Fentress. The agreement of merger was entered into and was adopted by the required affirmative vote of the holders of a majority of the outstanding shares of each corporation at the annual meetings of the stockholders of Applicant and Baker Fentress held on March 16 and 17, 1971, respectively. On March 30, 1971, the Commission issued an order (Investment Company Act Release No. 6428) pursuant to section 17(b) of the Act exempting the merger from the provisions of section 17(a) of the Act.

The merger of Applicant into Baker Fentress became effective on March 31, 1971, and thereupon in accordance with the terms of the agreement of merger Baker Fentress succeeded to all of the property, assets, rights, liabilities, and obligations of Applicant, and the existence of Applicant as a separate corporation ceased.

Section 8(f) of the Act provides, in pertinent part, that whenever 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 June 4, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7006 Filed 5-19-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

EQUITABLE LIFE COMMUNITY ENTERPRISES CORP.

Notice of Issuance of a License To Operate as a Minority Enterprise Small Business Investment Company

On April 20, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 7488) stating that The Equitable Life Community Enterprises Corp., 1285 Avenue of the Americas, New York, NY 10019, had filed an application with the Small Business Administration, 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).

Interested parties were given to the close of business April 30, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5286 to The Equitable Life Community Enterprises Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: May 7, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-7002 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 826 (Class B)]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Conway, IA;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Conway, Iowa, suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration District Office, 210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7001 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 824 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Jasper County, Mo.;

Whereas, the Small Business Administration has investigated and has received

other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Jasper County, Mo. and adjacent areas suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. A temporary office will be established in City Hall, Joplin, Mo.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6999 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 825 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Linn County, Mo., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7000 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 827 (Class B)]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Carroll County, Tenn., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on May 7, 1971.

OFFICE

Small Business Administration District Office, 500 Union Street, Nashville, TN 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6998 Filed 5-19-71;8:45 am]

TARIFF COMMISSION

[AA1921-76]

GLASS FROM TAIWAN

Postponement of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-76, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 8, 1971, has been rescheduled for 10 a.m., e.d.s.t., on June 9, 1971.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of glass from Taiwan which the Assistant Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of April 30, 1971 (36 F.R. 8177).

Issued: May 17, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-7047 Filed 5-19-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

RCA CORP. AND EMERSON TELEVISION AND RADIO CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's reports on its investigations of 2 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 findings of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved groups of workers.

TEA-W-70—RCA Corp., Memphis, Tenn.
TEA-W-77—Emerson Television and Radio Co., Jersey City, N.J.

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 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 Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 24, 1971.

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

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-7045 Filed 5-19-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 40]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 14, 1971.

The following applications are governed by Special Rule 100.247[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 340 (Sub-No. 18), filed April 27, 1971. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from points in Wisconsin, to points in Texas; and to Springfield, Mo.; Decatur, Ga.; Memphis, Tenn.; Little Rock, Ark.; Kansas City and Wichita, Kans.; New Orleans, La.; Los Angeles and San Francisco, Calif.; Phoenix, Ariz.; Denver, Colo.; and Oklahoma City, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 1117 (Sub-No. 10), filed April 30, 1971. Applicant: M.G.M. TRANSPORT CORPORATION, 70 Maltese Drive, Totowa, NJ 07512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from ports of entry on the international boundary line between the United States and Canada located in New York and Vermont, to New York, N.Y., point in New Jersey in and north of Ocean and Mercer Counties, those in Orange, Rockland, Suffolk, Ulster, Dutchess, Nassau, Putnam, Sullivan, and Westchester Counties, N.Y., those in Connecticut, Massachusetts, Rhode Island, and Vermont, and *returned shipments* in the opposite direction. NOTE: Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories that 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.

No. MC 6078 (Sub-No. 68), filed May 4, 1971. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products, concrete pipe and materials, supplies and equipment* used in the manufacture, construction, production, and distribution of concrete products, but not including liquids, in bulk in tank vehicles, between Kenvil, N.J., on the one hand, and, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont on the other; and (2) *rejected, damaged, and returned shipments* in the reverse direction. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7555 (Sub-No. 65), filed April 28, 1971. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 70, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy, cough drops, and chewing gum*, from plantsites of Beech-Nut Life Savers at Canajoharie, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 153), filed May 5, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pollution control systems and pollution control system parts;* (2) *machinery, equipment, material, and supplies* incidental to, used in, or in connection with, the manufacture, installation, removal, operation, repair, servicing, and maintenance of pollution control systems and pollution control systems parts, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

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

No. MC 30114 (Sub-No. 5), filed April 26, 1971, Applicant: MITCHKO TRUCKING, INC., 650 Myrtle Avenue, Boonton, NJ 07005. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming compound, water treating compounds, boiler cleaning compounds, softening compounds, washing and cleaning compounds, fuel oil treating compounds, laundry compounds, and rust preventative compounds* (except in bulk), from Newark, Kearny, Edgewater, Edison, and Raritan, N.J., to points in New York in, east, and south of Allegany, Livingston, Ontario, Wayne, Cayuga, Oswego, Lewis, Herkimer, Hamilton, Warren, and Washington Counties, points in Pennsylvania in and east of Potter, Cameron, Clearfield, Blair, Huntingdon, and Fulton Counties, points in Maryland, except those in Garrett, Allegany, St. Mary's, and Charles Counties, and points in Delaware. 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 32948 (Sub-No. 18), filed April 23, 1971. Applicant: P.A.K. TRANSPORT, INC., Meadow Road, Newport, NH 03773. Applicant's representative: Robert A. Peirce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated marinas, docks, floats, wharves, and launching ramps*, and in connection therewith, *component parts and materials* incidental to the manufacture, assembly, delivery, launching, completion, and maintenance of such marinas, docks, floats, wharves, and launching ramps, between points in Windsor County, Vt., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 21945 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Montpelier, Vt.

No. MC 35286 (Sub-No. 2), filed April 14, 1971. Applicant: TRUCK LINE DISTRIBUTION SYSTEMS, INC., 1905 South Belmont, Indianapolis, IN 46221. Applicant's representative: Warren C. Moberly, 777 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, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Shelbyville and points in Shelby County, Ind., and Indianapolis, Ind., from Shelbyville over Indiana Highway 9 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 41404 (Sub-No. 97), filed April 22, 1971. Applicant: ARCO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Dubuque Packing Co., Dubuque, Iowa, to points in Illinois. Restriction: Transportation restricted to that which originates at the plantsite and warehouse facilities of Dubuque Packing Co., Dubuque, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or St. Louis, Mo.

No. MC 41404 (Sub-No. 98), filed April 30, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Krey Packing Company located at St. Louis, Mo., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Louisville, Ky., or Nashville, Tenn.

No. MC 44639 (Sub-No. 35) filed April 23, 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 the manufacturing of wearing apparel, between Roxobel, N.C., on the one hand, and, on the other, Emporia, Va., and New York, N.Y. NOTE: Applicant states it will tack at Crewe and Emporia, Va., to provide through service to points in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 59117 (Sub-No. 37), filed April 23, 1971. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Post Office Box 1, Vinita, OK 74301. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk or packages, from Military and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas; and (2) *fertilizer and fertilizer materials*, dry, in bulk or in packages, insecticides, fungicides, and herbicides (except liquid in bulk), including these commodities in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 67996 (Sub-No. 5), filed April 29, 1971. Applicant: DISTILLERY TRANSFER SERVICE, INC., Box 516, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. 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 Bardstown, Ky., as an off-route points in connection with applicant's presently held regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 72442 (Sub-No. 32), filed April 30, 1971. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, NC 28052. 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 regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission); (1) between Greensboro, N.C., and Thomasville, Ga., serving all intermediate points, from Greensboro over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C., Spartanburg and Greenville, S.C., Athens and Atlanta, Ga., to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville over U.S. Highway 123 to Easley, S.C., thence over South Carolina Highway 93 to junction U.S. Highway 123 near Clemson, S.C., thence over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta and thence over Georgia Highway 85 to Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany (also from Athens over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., and thence over Georgia Highway 257 to Albany) and thence over Georgia Highway 3 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., and thence over U.S. Highway 319 to Thomasville), and return over the same route;

(2) Between Raleigh, N.C., and Charlotte, N.C., serving all intermediate points; (a) from Raleigh over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 21 to junction North Carolina Highway 115, thence over North Carolina Highway 115 to junction U.S. Highway 21 near Charlotte, N.C., thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route; (b) from Raleigh over U.S. Highway 64 to Asheboro, N.C., thence over North Carolina Highway 49 to Charlotte and return over the same route; (c) from Raleigh over U.S. Highway 1 to Sanford, N.C., thence over U.S. Highway 15 to Carthage, N.C.; thence over North Carolina Highway 27 to Charlotte and return over the same route; (3) between Statesville, N.C., and Hazelwood, N.C., serving all intermediate points, from Statesville over U.S. Highway 70 and Alternate U.S. Highway 70 via Conover to Asheville, N.C., thence over U.S. Highway 23 to Hazelwood and return over the same route; (4) between Kings Mountain, N.C., and Asheville, N.C., serving all intermediate points, from Kings Mountain over U.S. Highway 74 via Shelby, N.C., to Forest City, N.C. (also from Shelby over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered highway to Cliffside, N.C., thence over Alternate U.S. Highway 221 to Forest City), thence over U.S. Highway 74 to Asheville and return over the same routes; (5) between Conover, N.C., and Monroe, N.C., serving all intermediate points, from Conover over North Carolina Highway 16 to Newton, N.C. (also from Conover over U.S. Highway 321 to Newton, N.C.), thence over U.S. Highway 321 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 74 to Monroe, and return over the same route;

(6) Between Salisbury, N.C., and Albemarle, N.C., serving all intermediate points, from Salisbury over U.S. Highway 52 via New London, N.C., to Albemarle (also from New London over North Carolina Highway 740 to Badin, N.C., thence over unnumbered highway to Albemarle) and return over the same routes; (7) between Asheville, N.C., and junction U.S. Highway 25 and South Carolina Highway 121 near Trenton, S.C., serving all intermediate points, from Asheville over U.S. Highway 25 to junction South Carolina Highway 121 near Trenton, and return over the same route; (8) between Hendersonville, N.C., and Whitmire, S.C., serving all intermediate points, from Hendersonville over U.S. Highway 176 to Whitmire and return over the same route; (9) between Charlotte, N.C., and Albany, Ga., serving all intermediate points, from Charlotte over U.S. Highway 521 to Pineville, N.C., thence over North Carolina Highway 51 to junction U.S. Highway 21, thence over U.S. Highway 21 via Columbia, S.C., to Salkehatchie, S.C., thence over Alternate U.S. Highway 17 to Pocataligo, S.C., thence over U.S. Highway 17 to Savannah, Ga., (also from Pineville over U.S. Highway 21 to the North Carolina-South Carolina State line, thence over South Carolina Highway 72 via Rock Hill, S.C., to Chester, S.C., thence over U.S. Highway 321 to Savannah), thence over U.S. Highway 17 via Midway, Ga., to Brunswick, Ga., thence over U.S. Highway 84 to Waycross, Ga. (also from Midway over U.S. Highway 82 to Waycross), thence over U.S. Highway 82 to Albany and return over the same route; (10) between Concord, N.C., and Augusta, Ga., serving all intermediate points, from Concord over U.S. Highway 601 to Kershaw, S.C., thence over U.S. Highway 521 to Camden, S.C., thence over U.S. Highway 1 to Augusta and return over the same route; (11) between Gastonia, N.C., and Augusta, Ga., serving all intermediate points, from Gastonia over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to Whitmire, S.C., thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta and return over the same route;

(12) Between North Augusta, S.C., and Fairfax, S.C., serving all intermediate points, from North Augusta over U.S. Highway 278 to Fairfax and return over the same route; (13) between Camden, S.C., and Charleston, S.C., serving all intermediate points, from Camden over U.S. Highway 521 to Sumter, S.C., thence over U.S. Highway 15 to Wells, S.C., thence over U.S. Highway 176 to Charleston and return over the same route; (14) between Columbia, S.C., and Sumter, S.C., serving all intermediate points, from Columbia over U.S. Highway 76 to Sumter and return over the same route; (15) between junction U.S. Highways 176 and 21 near Sandy Run, S.C., and Wells, S.C., serving all intermediate points, from junction U.S. Highways 176 and 21 over U.S. Highway 176 to Wells and return over the same route; (16) between Pineville, N.C., and Kershaw, S.C., serving all intermediate points, from Pineville over U.S. Highway 521 to Kershaw and return over the same route; (17) between Chester, S.C., and Lancaster, S.C., serving all intermediate points, from Chester over South Carolina Highway 9 to Lancaster and return over the same route; (18) between Spartanburg, S.C., and Laurens, S.C., serving all intermediate points, from Spartanburg, over U.S. Highway 221 to Laurens and return over the same route; (19) between Greenville, S.C., and Newberry, S.C., serving all intermediate points, from Greenville over U.S. Highway 276 to junction South Carolina Highway 417, thence over South Carolina Highway 417 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Newberry and return over the same route;

(20) Between Greenville, S.C., and Calhoun Falls, S.C., serving all intermediate points, from Greenville over South Carolina Highway 81 to Calhoun Falls and return over the same route; (21) between Clemson, S.C., and Laurens, S.C., serving all intermediate points, from Clemson over U.S. Highway 76 to Laurens and return over the same route; (22) between Whitmire, S.C., and Athens, Ga., serving all intermediate points, from Whitmire over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens and return over the same route; (23) between Seneca, S.C., and Monroe, Ga., serving all intermediate points, from Seneca over South Carolina Highway 59 to the South Carolina-Georgia State line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe and return over the same route; (24) between Atlanta, Ga., and Augusta, Ga., serving all intermediate points, from Atlanta over U.S. Highway 78 via Athens, Ga., to Thompson, Ga. (also from Atlanta over U.S. Highway 278 to Thompson), thence over U.S. Highway 78 to Augusta and return over the same routes; (25) between Atlanta, Ga., and Jesup, Ga., serving all intermediate points, from Atlanta over U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3

to junction U.S. Highway 41 near Griffin, Ga., thence over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over U.S. Highway 23 to Forsyth), thence over U.S. Highway 41 to Macon, Ga., thence over U.S. Highway 23 to Hazlehurst, Ga., thence over U.S. Highway 341 to Jesup and return over the same routes;

(26) Between Echeconnee, Ga., and Albany, Ga., serving all intermediate points, from Echeconnee over Georgia Highway 49 to Americus, Ga., thence over U.S. Highway 19 to Albany and return over the same route; (27) between Cordele, Ga., and Valdosta, Ga., serving all intermediate points, from Cordele over U.S. Highway 41 to Valdosta and return over the same route; (28) between Madison, Ga., and Woodbury, Ga., serving all intermediate points; from Madison over Georgia Highway 83 to Monticello, Ga., thence over Georgia Highway 16 to Griffin, Ga., thence over U.S. Highway 19 to Zebulon, Ga., thence over Georgia Highway 18 to Woodbury and return over the same route; (29) between Zebulon, Ga., and Barnesville, Ga., serving all intermediate points, from Zebulon over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville and return over the same route; (30) between Fort Valley, Ga., and Eastman, Ga., serving all intermediate points, from Fort Valley, Ga., over U.S. Highway 341 via Perry, Ga., and Hawkinsville, Ga., to Eastman, Ga., and return over the same route; (31) between Camilla, Ga., and Moultrie, Ga., serving all intermediate points, from Camilla over Georgia Highway 37 to Moultrie and return over the same route; (32) between Gray, Ga., and Warrenton, Ga., serving all intermediate points, from Gray over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton and return over the same route; (33) between Macon, Ga., and Eastman, Ga., serving all intermediate points, from Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction Georgia Highway 117, thence over Georgia Highway 117 to Eastman and return over the same route;

(34) Serving the following off-route points in connection with routes described hereinabove: Cooleemee, Eden (Leaksville-Spray), Norwood and Mount Gilead, N.C., and points in North Carolina within 25 miles of Gastonia, N.C.; Cateechee, Cherokee Falls, Kings Creek, Pickens, Walhalla, Buffalo, Lockhart, Hampton, Fort Jackson, and Parris Island, S.C., points within 15 miles of Spartanburg, S.C., and points within 15 miles of Greenville, S.C.; Bainbridge, Clarkesville, Clayton, Clyattville, Claxton, Douglas, Habersham, Hawkinsville, Juliette, Millen, Milstead, Porterdale, Potterville, Warm Springs, Warner Robins, and Woodland, Ga. Restriction: The service sought hereinabove is subject to the following conditions: Service at authorized points in South Carolina (other than those in Anderson, Oconee, Pickins, Greenville, Spartanburg, Cherokee, Laurens, Union, York, Greenwood, and Abbeville Counties) is restricted to traffic moving to or from points north of the North Carolina-Virginia State line. Service at authorized points in Georgia, except for the pickup of cotton piece goods, is restricted to traffic moving from, to, or through (a) points in 11 South Carolina counties named above; (b) Gastonia, N.C., and points in North Carolina within 25 miles of Gastonia; and (c) points north of the North Carolina-Virginia State line, serving the commercial zones of all authorized points. NOTE: The authority sought in this proceeding duplicates the routes authorized in Part C of the certificate issued to applicant in MC 72442 (Sub-No. 4). The change in the authority sought here in that authorized in Part C of Sub 4 relates to the restriction set forth in the second restricting paragraph of Part C. As here material that restriction limits Georgia traffic to shipments originating at or destined to eleven specified South Carolina counties and Gastonia, N.C., and points within 25 miles thereof and points which would be north of the North Carolina-Virginia State line. The sole purpose of this application is to modify that restriction so that it would be restricted to traffic moving from, to, or through the described territory. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., and Charlotte, N.C.

No. MC 73165 (Sub-No. 292), filed April 23, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 Nashville, Tenn.

No. MC 76264 (Sub-No. 28), filed May 5, 1971. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp., at New Albany, Ind., to points in Arkansas, Kansas, Michigan, Minnesota, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 117606, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 82841 (Sub-No. 82), filed April 26, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Tractors* (except those with vehicle beds, bed frames and fifth wheels); (b) *equipment* designed for use in conjunction with tractors; (c) *agricultural, industrial, and construction machinery and equipment;* (d) *trailers* designed for the transportation of the *above-described commodities* (except those trailers designed to be drawn by passenger automobiles); (e) *attachments* for the above described commodities; (f) *internal combustion engines;* and (g) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites, and experimental farms of Deere & Co. in Blackhawk, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill., to points in Nebraska, South Dakota and Wyoming; and (2) returned or rejected shipments, from the destination States named above to the named plants, warehouse sites, and experimental farms of Deere & Co. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co. and the authority in (2) above is restricted to traffic destined to such facilities of Deere & Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 85465 (Sub-No. 35), filed April 30, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flatware* (knives, forks, and spoons), from the plantsite of Clear Shield Plastics, Inc., at Leominster, Mass., to points in California, Georgia, Florida, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Oregon, South Carolina, Tennessee, Texas, Washington, 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 Boston, Mass., or Washington, D.C.

No. MC 89723 (Sub-No. 61), filed April 19, 1971. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis, 210 North 13th Street, St. Louis, MO 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between points in Arkansas as presently authorized in applicant's certificate MC 89723 (Sub-No. 14), in service auxiliary to and supplemental of rail service of Missouri Pacific

Railroad Co. NOTE: The instant application seeks solely to modify Texarkana, Ark., as a key point in said certificate so as to hereafter apply only on traffic from or via Little Rock, Ark., on the one hand, and to or via Dallas, Tex., on the other hand (or vice-versa), interchanged between Missouri Pacific Railroad Co. and the Texas & Pacific Railway Co. at Texarkana; but subject to the remaining key points and all other restrictions in said certificate. No new routes or points are sought to be served. Applicant states it is a wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 94350 (Sub-No. 288), filed April 19, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant) and Ames, Hill & Ames, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Gaston County, N.C., to points in the United States, east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 94350 (Sub-No. 289), filed April 30, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (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 shipments, from Caldwell Parish, La., to points in the United States (including 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 Monroe, La.

No. MC 95084 (Sub-No. 81), filed April 30, 1971. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, and agricultural machinery and implement parts and attachments*, from Kewanee, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, (2) *spring steel parts*, from East Alton, Ill., to points in Alabama, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Oklahoma, Tennessee, and Wisconsin and (3) *agricultural machinery and implements, agricultural machinery and implement parts and attachments, and iron and steel panelling*, from Galva and Sandwich, Ill., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 96615 (Sub-No. 8), filed April 5, 1971. Applicant: SEATTLE-ANCHORAGE-FAIRBANKS EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Richard J. Howard, White-Henry-Stuart Building, Seattle, Wash. 98101. 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 Seattle, Wash., and ports of entry on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., from Seattle over Interstate Highway 5 to the port of entry at or near Blaine (also from the junction of Interstate Highway 5 and Washington Highway 542 to Bellingham, Wash., over Washington Highway 9 to the port of entry at or near Sumas), and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's presently held regular route authority. NOTE: Applicant states that the authority sought is restricted to traffic moving to or from the State of Alaska through Canada. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 100666 (Sub-No. 188), filed April 23, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, from the plantsite and warehouse facilities utilized by Defiance Co. located at or near Picayune, Miss., 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 Jackson, Miss., or Shreveport, La.

No. MC 101474 (Sub-No. 15), filed April 19, 1971. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel, fabricated iron and steel articles, and iron and steel nuts, bolts and rivets*, from South Charleston, W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Tennessee, 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 Chicago, Ill.

No. MC 105045 (Sub-No. 30), filed April 26, 1971. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Elevators, escalators, moving stairways, and parts and attachments for elevators, escalators, and moving stairways*, between Hazlehurst, Ga., on the one hand, and, on the other, points in Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105997 (Sub-No. 11), filed April 23, 1971. Applicant: OIL-WAYS CO., a corporation, 201 Bloomfield Avenue, Nutley, NJ 07110. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, solvents and vinyl acetate* in bulk, in tank trucks, and *Polyethelene* in packages, or in bulk, from Newark, Carlstadt, Bayonne, and Edgewater, N.J., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina and South Carolina, under contract with U.S. Industrial Chemicals Co. Division National Distillers & Chemicals Corp. and

Commercial Solvents Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York City, N.Y.

No. MC 106398 (Sub-No. 541), filed April 30, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Chickasaw County, Miss., 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 Jackson, Miss.

No. MC 107295 (Sub-No. 509), filed April 26, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement pipe and conduit fittings and accessories necessary for the installation thereof*, from Cheektowaga, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 510), filed April 26, 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: *Panels, insulated panels and accessories, metal building parts and accessories, insulation and accessories, and wall sections and accessories*, from Pine Bluff, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107515 (Sub-No. 749), filed April 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Altanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden tractors, and lawn mowers and parts, attachments and accessories* therefor, from Lexington, S.C., to points in Missouri, Minnesota, Ohio, Indiana, Texas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 753), filed April 28, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Nueces, Titus, Hidalgo, Cameron, Willacy, Bexar, Dallas, Tarrant, San Patricio, and Smith Counties, Tex., to points in Alabama, Georgia, Florida, Tennessee (except Memphis and its commercial zone), South Carolina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Corpus Christi, Tex.

No. MC 108340 (Sub-No. 22), filed April 26, 1971. Applicant: HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, OR. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108393 (Sub-No. 46) (correction), filed March 18, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished in part as corrected, this issue. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 108393 (Sub-No. 46) in lieu of MC 10839, which was erroneously shown in previous publication. The rest of the application remains as previously published.

No. MC 108449 (Sub-No. 325), filed April 26, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having an immediate prior or subsequent movement over the lines of the Soo Line Railroad Co., between points in Illinois, the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories that could be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108859 (Sub-No. 54), filed April 28, 1971. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Applicant's representative: Elmer J. Wery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Aluminum Specialty Co. plantsite at or near Seymour, Wis., as an off-route point in connection with carrier's authorized regular route operations in Wisconsin, Michigan, Illinois, Indiana, Kentucky, and Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison or Milwaukee, Wis.

No. MC 109677 (Sub-No. 39), filed April 29, 1971. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburgh, N.Y., to points in Vermont bounded on the south by U.S. Highway 4 and on the east by U.S. Highway 5, at the junction of U.S. Highways 4 and 5 northerly to West

Burke, continuing in a northerly direction on Vermont Highway 5–A to Derby Center, thence on U.S. Highway 5 to the Quebec-Vermont border, and bounded on the north by said Quebec-Vermont border, and on the west by Lake Champlain. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109994 (Sub-No. 43), filed April 22, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber and molded products*, from Bridgeport, Pa., to Chicago, Ill.; Noblesville, Ind.; Milwaukee, Wis.; Minneapolis and St. Paul, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110563 (Sub-No. 65), filed April 23, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., and Port Newark, N.J., to Cleveland, Ohio, restricted to traffic originating at and destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 110563 (Sub-No. 66), filed April 30, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 plantsites and/or storage facilities utilized by Spencer Foods, Inc., located at or near Cherokee, Hartley, and Spencer, Iowa; Worthington, Minn.; Fremont and Schuyler, Nebr.; and Sioux Falls, S. Dak.; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the above-named plantsites and warehouse facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 110589 (Sub-No. 6), filed April 21, 1971. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Donn K. Bieber, Box 311, Schuyler, NE 68661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and other articles distributed by meat packinghouses*, from Gibbon, Nebr., to points in Illinois, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 110988 (Sub-No. 266), filed April 26, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: David A. Petersen (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in hopper-type vehicles, from Joliet, Ill., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, Missouri, Iowa, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 80), filed April 26, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Pal River Road, Tampa, FL 33601. Applicant's representatives: J. V. McCoy, Post Office Box 426, Tampa, FL 33601, and J. Douglas Harris, 409–12 Bell Building, Montgomery, AL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from points in Santa Rosa County, Fla., and LeMoyne, Ala. 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 Washington, D.C.

No. MC 111045 (Sub-No. 81), filed April 23, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representatives: J. V. McCoy (same address as above) and J. Douglas Harris, 409–412 Bell Building, Montgomery, AL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, from New Orleans, La., to points in Alabama and Mississippi. 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 Birmingham, Ala., or Washington, D.C.

No. MC 111170 (Sub-No. 160), filed April 26, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from points in Jefferson County, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with the existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111729 (Sub-No. 316), filed April 22, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant), and Russell Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers decorative greens, and florist supplies*, between points in Alabama; between points in Arkansas; between points in California; between points in Connecticut; between points in Delaware; between points in Florida; between points in Georgia; between points in Kansas; between points in Louisiana; between points in Maine; between points in Maryland; between points in Massachusetts; between points in Mississippi; between points in Missouri; between points in Nebraska; between points in New Hampshire; between points in New Jersey; between points in New York; between points in North Carolina; between points in North Dakota; between points in Oregon; between points in Pennsylvania; between points in Rhode Island; between points in South Carolina; between points in South Dakota; between points in Tennessee; between points in Texas; between points in Vermont; and between points in West Virginia, restricted to traffic having an immediately prior or subsequent movement by air. NOTE: Common control and dual operations may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities but indicates that it has no present intention to tack and therefore does no identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112694 (Sub-No. 4), filed April 21, 1971. Applicant: JAMES J. GALLERY, INC., 73 Stanley Avenue, Watertown, MA 02172. Aplicant'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, tranporting: *Frozen foods, and foodstuffs*, moving under refrigeration, not included in frozen foods, between Watertown, Mass.; Portsmouth, Dover, Rochester, Somersworth, and Keene, N.H.; York, North Berwick, Wells, Sanford, Biddeford, Saco, and Westbrook, Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112750 (Sub-No. 280), filed April 19, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street, NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions; (a) between Augusta and Savannah, Ga., on the one hand, and, on the other, Charlotte, N.C., (b) between Danville, Lynchburg, Martinsville, and Roanoke, Va., on the one hand, and, on the other, Charlotte and Raleigh, N.C., under contract with banks and banking institutions. NOTE: Applicant now holds common carrier authority under No. MC 111729 Sub-26 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 193), filed April 28, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little, 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: *Animal litter and pet supplies, bleaching, cleaning, laundry, and scouring compounds, and materials and supplies* (except commodities in bulk), from Oakland, Calif., to points in Montana, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested anthority 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 Oakland, Calif., or San Francisco, Calif.

No. MC 112822 (Sub-No. 194), filed April 30, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, fittings, and supplies*, from points in Alabama, Indiana, Bay St. Louis, Miss., and Chattanooga, Tenn., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 112822 (Sub.-No. 195), filed April 30, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers; supplies, materials, ingredients, containers, machinery, and advertising materials used in the manufacturing, packing and distribution of foodstuffs, between points in Fresno County, Calif., and points in Grayson County, Tex., and points in Morgan County, Ill: 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 Fort Worth or Houston, Tex.

No. MC 113267 (Sub-No. 263), filed April 14, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from St. Louis, Mo., to Memphis, Tenn., Jacksonville, Fla., Atlanta, Ga., Dallas, Tex., and St. Paul, Minn. 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 113362 (Sub-No. 205) (Correction), filed March 22, 1971, published in the FEDERAL REGISTER issue of April 22, 1971, corrected and republished as corrected, this issue. 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 and 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. NOTE: The sole purpose of this republication is to include Fargo as an origin point, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113362 (Sub-No. 212), filed April 26, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. 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 commodities in bulk, in tank vehicles, and hides), from the plantsite and/or cold storage facilities of Swift & Co., at or near Guymon, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to products originating at or destined to the named points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 113666 (Sub-No. 55), filed April 28, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: 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: (1) *Fluxing compounds;* and (2) *rimming agents*, from New Kensington, Pa., to points in New York, Ohio, Pennsylvania, Maryland, Kentucky, Indiana, Illinois, Michigan, New Jersey, and West Virginia, and materials and supplies used in the production of fluxing compounds and rimming agents, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 56), filed May 5, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: 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: *Pulverized limestone*, from points in Mercer Township, Butler County, Pa., to points in West Virginia and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 421), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles distributed by meat packinghouses*, from Butler and Milwaukee, Wis., to points in Arizona, California, Utah, Oregon, Washington, Idaho, Colorado, Wyoming, Montana, North Dakota, South Dakota, New Mexico, Oklahoma, Nebraska, Texas, Missouri, Kansas, Iowa, Illinois, Georgia, Kentucky, Tennessee, Indiana, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113678 (Sub-No. 422), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Peter Eckrich & Sons, Inc., located at or near Fort Wayne, Ind.; Fremont, Ohio and Kalamazoo, Mich., to points in Arizona, California, Colorado, Idaho, Illinois, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 113974 (Sub-No. 45), filed April 26, 1971. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the distribution thereof, from Buchanan (Westchester County), N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and *returned shipments* of the above-described commodities, from the above-named destination points to the above-named origin point, on return. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 99), filed April 29, 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, and buildings, in sections, mounted on undercarriages, in initial movements, from Gaston County, N.C., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114004 (Sub-No. 100), filed April 30, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on undercarriages, in initial movements, from points in Union County, N.C., 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 Raleigh, N.C.

No. MC 114004 (Sub-No. 101), filed April 30, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Lexington, Miss., to points in Georgia, Kentucky, Illinois, Indiana, Missouri, Oklahoma, Kansas, South Carolina, North Carolina, Virginia, and Florida; and (2) *buildings*, in sections, mounted on undercarriages, in initial movements, from Lexington, Miss., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 114019 (Sub-No. 214), filed April 28, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Kansas, Missouri, and Kentucky, restricted to traffic originating at the named origin and destined to the named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 353), filed April 26, 1971. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, perfume and related articles, advertising materials and display racks*, in vehicles equipped with mechanical refrigeration, from Jonesboro Township, Lee County, N.C., to Santa Ana, Calif.; Dallas and Grand Prairie, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 114273 (Sub-No. 88), filed April 22, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, IA 52406 and Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Dubuque Packing, Inc., at or near Dubuque, Iowa, to

points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Indiana, Michigan, Illinois, 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 Des Moines, Iowa.

No. MC 114290 (Sub-No. 57), filed April 30, 1971. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Seattle, Wash., to points in Washington, Oregon, Idaho, and Montana; and (2) from points in California to La Grande, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Portland, Oreg.

No. MC 115092 (Sub-No. 17), filed April 19, 1971. Applicant: WEISS TRUCKING, INC., Post Office Box 0, Vernal, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, from the plantsite of Oilfield Products, Division Dresser Industries, Inc., at Battle Mountain, Nev., to points in New Mexico, Colorado, Utah, Wyoming, Montana, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 115162 (Sub-No. 225), filed April 28, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board, and parts, materials, and accessories* incidental to the installation thereof, from Mobile, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested auhority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115841 (Sub-No. 407), filed April 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: *Carpets, carpet materials, rugs, and floor coverings*, from points in Whitfield County, Ga., to points in Colorado, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Michigan, Missouri, Nebraska, Oklahoma, Oregon, Texas, Washington, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 116073 (Sub-No. 165), filed April 28, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete, knocked down or in sections, from points in Michigan to points in the United States, including Alaska (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 Lansing, Mich.

No. MC 116492 (Sub-No. 2), filed April 30, 1971. Applicant: JOHN T. HARRIGER AND RUTH B. HARRIGER, a partnership, doing business as T. C. HARRIGER TRUCKING, 66 Main Street, Falls Creek, PA 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, moving therewith, (a) from Columbus, Ohio, and Detroit, Mich., to points in Pennsylvania on and west of U.S. Highway 15 and on and north of U.S. Highway 22 (except points in Allegheny County, Pa.); and (b) from Du Bois, Pa., to points in South Carolina, Georgia, Florida, Indiana, Illinois, Michigan, and Wisconsin and *empty malt beverage containers*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 116519 (Sub-No. 12), filed April 28, 1971. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in the United States (except Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Hawaii, Oregon, Utah, Washington, and Wyoming), restricted to traffic originating at the plant, warehouse, or distribution facilities of White Farm Equipment, a division of White Motor Corp. of Canada, Ltd. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117565 (Sub-No. 38), filed May 4, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes*, from points in Newport, County, R.I., Tulare County, Calif., and Livingston County, Mich., to points in the United States (except Hawaii); (2) *trailers* designed to be drawn by passenger automobiles in initial movements, from points in McNairy County, Tenn., to points in the United States (except Hawaii); (3) *all terrain vehicles, parts, accessories, and attachments* for terrain vehicles, between Cleveland and Iberia, Ohio, and New Castle, Pa., on the one hand, and, on the other, points in the United States (except Hawaii); and (4) *boats*, from New Castle, Pa., and Iberia, Ohio, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cleveland, Ohio.

No. MC 117574 (Sub-No. 200), filed April 30, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment designed for use in conjunction with tractors*; (3) *agricultural, industrial, and construction machinery, and equipment*; (4) *trailers*, designed for the transportation of the above-described commodities (except trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines*; and (7) *parts* of the above-described commodities when moving in mixed loads with such commodities, between Grand Island, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the

District of Columbia. NOTE: Common control may be involved. Applicant states that the authority herein sought can be tacked with its existing authority, however, it does not intend to tack at present, therefore, the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 201), filed April 30, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as above) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems;* (2) *sewage, water, and refuse treatment systems;* (3) *environmental control and protective systems;* (4) *air, liquid, and gas cleaning, heating, cooling, condensing, conditioning, humidifying, equalizing, and moving equipment;* and (5) *components, parts, tools, materials, accessories, supplies, and other general commodities* used in connection with the erection, construction or operation of the items in (1), (2), (3), and (4) above, between Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the authority sought herein can be tacked with its existing authority, however, it has no present intention to tack, therefore, the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate 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 117765 (Sub-No. 123), filed April 23, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers and *related advertising matter*, from Memphis, Tenn., to points in Oklahoma; and (2) *paper and paper products*, from Port of Tulsa, Rogers County, Okla., to points in Kansas; that portion of Missouri on and south of U.S. Highway 54 beginning at the Kansas-Missouri State line and extending to Preston, Mo., at junction U.S. Highway 65; thence on and west of U.S. Highway 65 to the Arkansas-Missouri State line; Oklahoma; and that portion of Texas on and north of U.S. Highway 82. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117799 (Sub-No. 11), filed May 6, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representatives: Patrick M. Porritt (same address as applicant) and 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: (1) *Macaroni, noodles, spaghetti, or vermicelli*, prepared with or without cheese, meat, vegetables or sauce; (2) *milk products, powdered milk and blends thereof;* and (3) *nuts, dates, shredded coconut, spices, and herbs*, from Bongards and Minneapolis, Minn., to points in Arizona, California, Montana, New Mexico, Oregon, and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 117883 (Sub-No. 155), filed April 26, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Dubuque, Iowa, to points in Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the above origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 118159 (Sub-No. 114), filed April 26, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Arkansas, Iowa, Missouri, Kansas, Nebraska (except Omaha and Lincoln), and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Washington, D.C., Dallas, Tex., Oklahoma City, Okla., or Tampa, Fla.

No. MC 118570 (Sub-No. 2), filed April 8, 1971. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; pulp; and related premium and advertising materials; and paper mill machinery and parts thereof;* (2) *Materials, equipment, and supplies used or useful in the production, manufacture, and distribution of the commodities described in paragraph (1) above;* (A) from the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and from its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa., to points in New York and New Jersey within 25 miles of New York, N.Y., including New York, N.Y. and to points in Massachusetts and Connecticut; and (B) from points in New York and New Jersey within 25 miles of New York, N.Y., including New York, N.Y., and from points in Massachusetts and Connecticut to the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and to its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa., under contract with the Procter & Gamble Co. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the Procter & Gamble Co. and its subsidiaries. NOTE: Applicant states that it is willing that its authority at MC 44302 and 44302, Sub. 1, be amended by the addition of the following: "Restriction: The authority herein contained is restricted against the transportation of property originating at or destined to the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa." NOTE: Applicant holds authority as a common carrier under MC 44302 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 119192 (Sub-No. 6) (Correction), filed March 26, 1971, published in the FEDERAL REGISTER Issue of March 29, 1971, and republished in part as corrected this issue. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. NOTE: The sole purpose of this partial republication is to include the State of Connecticut in the destination territory, which State

was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 119619 (Sub-No. 52), filed April 21, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. 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 plantsites and storage facilities utilized by Swift & Co. at Guymon, Okla., to points in Illinois, Wisconsin, Minnesota, Indiana, Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Maryland, Delaware, Virginia, West Virginia, District of Columbia, and Louisville, Ky., restricted to shipments originating at the plantsite of Swift Fresh Meats Co., Guymon, Okla., and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 268), filed May 6, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Bristol, Wis., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of H. J. Heinz Co. located at or near Iowa City, Iowa, to points in Minnesota (except Minneapolis - St. Paul), North Dakota, South Dakota, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119872 (Sub-No. 8), filed April 30, 1971. Applicant: GULF TRANSPORT, LTD., a corporation, 61 St. Peters Road, Charlottetown, PE Canada. 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: (1) *Frozen apples and berries*, from points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; and (2) *frozen and pickled meats*, from points in Connecticut, Massachusetts, and New Hampshire, to points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine. Restricted to shipments moving to or from points in Canada. NOTE: No duplicating authority is sought. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123061 (Sub-No. 59), filed April 23, 1971. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Applicant's representative: Harry D. Pugsley, 400 Elpaso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, materials, and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, with authority to provide stop-off and split delivery service, from Saltair, Utah, to points in Colorado (except Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montrose, Montezuma, Ouray, Pitkin, Rio Blanco, Routt, San Miguel, and San Juan Counties, Colo.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 124069 (Sub-No. 11), filed April 23, 1971. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, NY 14218. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from those ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River, to points in New York (except points in Kings, Queens, Nassau, and Suffolk Counties, N.Y.), and points in Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124078 (Sub-No. 486), filed May 5, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Louisville, Ky., to the construction site of Farley Nuclear Plant near Columbia, Ala. 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 Kansas City, Mo.

No. MC 124211 (Sub-No. 184), filed April 23, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk, in tank vehicles), from the plantsites and storage facilities utilized by Swift Fresh Meats Co. at Grand Island, Nebr., and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to the transportation of shipments originating at the above-named plantsites and storage facilities and destined to points in the named destination States; and (2) *canned or preserved foodstuffs*, from Omaha, Nebr., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, and the District of Columbia. NOTE: Applicant states that it may provide all of the proposed services by tacking and/or interlining existing authorities. The purpose of this application is to eliminate existing gateways and interlines. Applicant further states it may tack the authority sought in Part (2) herein with existing authority at Omaha, Nebr., with MC 124211 and various subs, however, tacking is not intended at this time. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 124377 (Sub-No. 21), filed April 20, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, Denver, CO 80201. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic and mosiac tile, resilient flooring, and supplies and equipment* used in connection therewith, from San Diego, Los Angeles, San Francisco, and Oakland, Calif., to that part of the United States west of and including Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, under contract with Color Tile Supermarts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124621 (Sub-No. 4), filed April 29, 1971. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, OR 97214. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, commodities requiring special equipment, and household goods), between points in Oregon, Washington, Idaho, and Montana, under contract with Fred Meyer, Inc., Roundup Co., and Ready Foods, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 125216 (Sub-No. 4), filed May 5, 1971. Applicant: OWENS TRUCKMEN, INC., 183 Concord Street, Brooklyn, NY 11201. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores (except new furniture in residential deliveries) and *materials, supplies, and equipment* used in the conduct of such business, and return of *rejected, damaged, or returned merchandise*, between points in the New York, N.Y., commercial zone, Manhasset, Garden City, Hempstead, Carle Place, Huntington, Babylon, and Smithtown, N.Y.; Paramus and Woodbridge, N.J.; and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., under a continuing contract with Abraham & Straus, Division of Federated Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125433 (Sub-No. 26), filed April 26, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representatives: Duane W. Acklie, 521 South 14th Street, Lincoln, NE 68501, and David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V (61 M.C.C. 276) (except mining and construction materials and supplies), between points in California, on the one hand, and, on the other, points in Idaho, Montana, and Utah. NOTE: Applicant states that it presently holds authority to transport mining and construction materials, equipment, and supplies, between the entire area here involved and that the specific authority held by applicant was interpreted in MC-C-3559, Interstate Motor Lines, Inc. v. Interwest Truck Lines, and applicant believes that it now holds substantially all of the authority that it is requesting in the involved application. Applicant further states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Los Angeles or San Francisco, Calif., or Boise, Idaho.

No. MC 125699 (Sub-No. 2) (Amendment) filed March 24, 1971, published in the FEDERAL REGISTER issue of April 22, 1971, and republished as amended, this issue. 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, disabled, inoperative, stolen, abandoned, and repossessed motor vehicles and cargo trailers* with or without cargo and *replacement motor vehicles and cargo trailers* with or without cargo and *repair parts* therefor, in truckaway or towaway service, between Berkeley, Morgan, and Kanawha Counties, W. Va.; Washington, Allegheny, 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: The purpose of this republication is to reflect a change in the commodity discription. If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 127361 (Sub-No. 6), filed April 30, 1971. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington, Avenue, Yakima, WA 98902. 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: *Glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, from Portland, Oreg., to points in Idaho and Montana, under contract with Owens-Illinois Glass Co. NOTE: Applicant holds common carrier authority under MC 339 9, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 127812 (Sub-No. 12), filed April 29, 1971. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis-St. Paul, Minn., to Superior, 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 St. Paul, Minn.

No. MC 128273 (Sub-No. 94), filed April 22, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk); (a) from the plantsites and storage facilities of Sterling Pulp & Paper Co., at Eau Claire, Wis., Flambeau Paper Co. at Park Falls, Wis., Thilmany Pulp & Paper at Kaugauna, Wis., Charmin, Division of Proctor & Gamble at Green Bay, Wis., to points in California, Nevada, Utah, Colorado, Wyoming, Idaho, Oregon, Washington, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Rhode Island, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones; (b) from Consolidated Paper Co. at Wisconsin Rapids, Wis., to points in North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Rhode Island, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones; (c) from Badger Paper Mills at Peshtigo, Wis., to points in Colorado, Idaho, Oregon, Washington, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones. 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 129387 (Sub-No. 9), filed April 29, 1971. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, SD 57350. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Missouri, Illinois, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Huron, S. Dak.; Sioux Falls, S. Dak.; or Sioux City, Iowa.

No. MC 129413 (Sub-No. 7), filed April 9, 1971. Applicant: C.B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, IA 51102. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried beet pulp*, from Chaska, Crookston, and East Grand Forks, Minn., to points in Iowa, Nebraska, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 129631 (Sub-No. 17), filed April 29, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT. Applicant's representative: Max Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber mill products, and boards or sheets composed of wood particles, glue and resin*, from Idaho and Montana to points in Arizona and from points in Coconino, Navajo, Apache, and Yavapai Counties, Ariz., to points in Utah; and (2) *roofing, decking, and building materials*, from points in Coconino, Navajo, Apache, and Yavapai Counties, Ariz., to points in Utah (except commodities requiring special equipment), in connection with (1) and (2) above. NOTE: Applicant states that tacking possibiilties exist with its base certificate MC 129631, but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant now holds contract carrier authority under its No. MC 101741 (Sub-No. 8), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

No. MC 133072 (Sub-No. 3), filed April 23, 1971. Applicant: VITO PALUMBO, doing business as WILLIAM PALUMBO TRUCKING, 67 Greenwich Street, New York, NY 10006. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms*, from site of warehouse of Duplex Products, Inc., Fairfield, N.J., to New York, N.Y., under contract with Duplex Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133547 (Sub-No. 1), filed April 6, 1971. Applicant: WESTERN STORAGE & WAREHOUSE, INC., 2410 Vinewood Street, Detroit, MI 48216. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise, and supplies* used in conducting retail department store business, from Detroit, Mich., to points in the Lower Peninsula of Michigan located on and south of Michigan Highway 21 extending from Port Huron to St. John's, Mich., and on and east of U.S. Highway 27 from St. John's and extending to the Indiana-Michigan State line, Columbus, Ohio, and points in that portion of Ohio located on and north of U.S. Highway 36, and *damaged or traded-in merchandise*, from points in the above described destinations to Detroit, Mich., under contract with Interstate Stores, Inc., NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133689 (Sub-No. 16), filed April 23, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representative: James F. Sexton, 33 North Dearborn Street, Chicago, IL 60602. 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 the plantsites, warehouse, storage, and production facilities utilized by Land O'Lakes, Inc., at Chicago, Ill., and points in the Chicago, Ill., 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: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133775 (Sub-No. 9), filed April 20, 1971. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Boulevard, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Ohio and New York. 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 134323 (Sub-No. 15), filed April 30, 1971. Applicant: JAY LINES, INC., Post Office Box 1644, 720 North Grand Avenue, Amarillo, TX 79105. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, NE 63501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described by the Commission, from the plantsite of Missouri Beef Packers, Inc., at or near Friona, Tex., to points in Florida, North Carolina, South Carolina, Alabama, and Georgia, under contract with Missouri Beef Packers, Inc. NOTE: Applicant holds temporary common authority under MC 135070. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Lincoln, Nebr.

No. MC 134341 (Sub-No. 3) (Correction), filed December 2, 1970, published in the FEDERAL REGISTER issue of December 30, 1970, and republished as corrected, this issue. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, Rural Route 1, Hastings, Nebr. 68901. Applicant's representatives: Charles R. Strop (same address as applicant) and Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of Minden Beef Co., at or near Minden, Nebr., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia; and (2) from the plantsite and storage facilities of Pawnee Packing Co., at or near Hastings, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points. NOTE: The purpose of this republication is to reflect the name of Mr. Donald L. Stern as a representative of applicant and to reflect part No. (2) above. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134653 (Sub-No. 2), filed March 15, 1971. Applicant: STERRITT TRUCKING, INC., Post Office Box 367, West Coxsackie, NY 12192. Applicant's representative: Alfred C. Purello, 451 State Street, Albany, NY 12203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestress structural concrete products*, (1) from Pittsfield, Mass., to Cobleskill, N.Y.; and (2) from Pittsfield, Mass., to points in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine for the account of Unistress Corp., Pittsfield, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Syracuse, N.Y.

No. MC 134777 (Sub-No 12), filed April 26, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representatives: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Emporia, Kans.; West Point and Dakota City, Nebr.; Denison, Fort Dodge, LeMars and Mason City, Iowa; and Luverne, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant now holds contract carrier authority in MC 87088 Sub-1, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Washington, D.C.

No. MC 134777 (Sub-No. 13), filed April 26, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representatives: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meats, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., West Point and Dakota City, Nebr., Denison, Fort Dodge, LeMars, and Mason City, Iowa, and Luverne, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Tennessee, and Kentucky. NOTE: Applicant now holds contract carrier authority in MC 87088 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Washington, D.C.

No. MC 135502, filed April 12, 1971. Applicant: BROWN TRUCKING CO., Route 2, Box 4B, Marshall, Harrison County, TX 75670. Applicant's representative: Tim Timmins, 2271 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and dry wood shavings*, (1) from Marshall, Tex., to Lillie, La., and (2) from Marshall, Tex., to Springhill, La., under contract with Snider Bros., Lumber Co., Marshall, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tyler, or Austin, Tex.

No. MC 135242 (Sub-No. 1), filed April 26, 1971. Applicant: HIGGINS CONTRACT CARRIER, INC., Post Office Box 206, Shelby, NE 68662. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (1) from Schuyler, Nebr., to points in Iowa, Kansas, and Colorado, under a continuing contract with F. J. Higgins Milling Co.; and (2) from Schuyler, Columbus, David City, Central City, and Fremont, Nebr., to points in Iowa, Kansas, and Colorado, under a continuing contract with Three Dehy Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 135355 (Sub-No. 2), filed April 30, 1971. Applicant: JACK H. LOBDELL, doing business as LOBDELL TRUCKING, 216 West 16th Street, South Sioux City, NE 68776. Applicant's representative: Jack H. Lobdell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Sioux City, Iowa, to points in Nebraska, under a continuing contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135359 (Sub-No. 2), filed April 23, 1971. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creagar, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising paraphernalia, and used malt beverage containers*, between Newark, N.J., and Williamsburg, Va., on the one hand, and, on the other, points in St. Marys County, Md., under contract with Guy Distributing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135482 (Sub-No. 1), filed April 19, 1971. Applicant: H. A. BEYER AND ROBERT A. BEYER, a partnership, doing business as H. A. BEYER & SON, 325 Third Avenue NW., Valley City, ND 58072. Applicant's representative: Gene P. Johnson, 5200 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Duluth, Minn., to points in North Dakota, under contract with Beyer's Cement, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 135524, filed April 26, 1971. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, conduit, fittings, and accessories*, from Sharon and Wheatland, Pa., to points in Minnesota, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and points in Michigan on and north of U.S. Highway 21. 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., Columbus, Ohio, or Washington, D.C.

No. MC 135550, filed April 26, 1971. Applicant: PHILLIP BLOCH, doing business as PHIL'S TRUCK SERVICE, Post Office Box 1163, Elko, NV. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission and petroleum products in bulk, in tank vehicles), between Elko, Nev., on the one hand, and, on the other, Twin Falls, Idaho, serving the intermediate points of Wells, Contact, Wilkins, and Jackpot, Nev., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elko or Carson City, Nev.

No. MC 135551, filed April 15, 1971. Applicant: PACIFIC STORAGE, INC., 440 East 19th Street, Tacoma, WA 984216. 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 Tacoma, Wash., on the one hand, and, on the other, points in King, Pierce, Thurston, Mason, Clallam, Jefferson, Kitsap, Grays Harbor, Lewis, Pacific, and Cowlitz Counties, Wash., under contract with Western Electric Co., Inc. NOTE: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135556, filed April 28, 1971. Applicant: RAYMOND R. CARPENTER AND JAMES R. CARPENTER, a partnership, doing business as CARPENTER BROS. TRUCKING, Route 2, Box 5, Bucyrus, OH 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Room 606, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonia nitrate*, between points in Crawford and Seneca Counties, Ohio, on the one hand, and, Terre Haute, Ind.,

on the other, under contract with Crawford Farm Bureau Cooperative Association, and Seneca County Farm Bureau Cooperative Association, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bucyrus, Toledo, and Columbus, Ohio.

No. MC 135557, filed April 28, 1971. Applicant: FLORIDA MOVING & STORAGE OF JACKSONVILLE, INC., 678 North Edgewood Avenue, Jacksonville, FL 32205. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida on and north of Florida Highway 40 and on and east of U.S. Highway 19 and points in Georgia on and east of U.S. Highway 19 and on and south of U.S. Highway 84. Restriction: Prior or subsequent movement in containers, beyond points authorized and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 135558 (Sub-No. 1), filed April 30, 1971. Applicant: GRIMMER TRANSFER AND STORAGE INC., 127 East Augusta Avenue, Spokane, WA 99205. Applicant's representative: Don Steen, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Spokane County, Wash., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pick up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic from or to points or areas located within Spokane County, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135559, filed April 20, 1971. Applicant: JOHN A. JAMES AND CALVIN OUTLAW, JR., a partnership, doing business as O-J TRANSPORT CO., 2739 Sturtevant, Detroit, MI 48206. Applicant's representative: Martin D. Lesham, Suite 420, 24700 Northwestern Highway, Southfield, MI 48075. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Schlitz Brewery, located in Milwaukee, Wis., to Sky-Pac Enterprises, Inc., Detroit, Mich., and *empty containers*, on return, under contract with Sky-Pac Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135560, filed April 23, 1971. Applicant: MOBERG TRANSPORT, INC., Post Office Box 495, Marshall, MN 56258. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the pipeline terminal of Champlin Refining Co. near Rock Rapids, Iowa, to points in Martin, Pipestone, Murray, Watonwan, Lincoln, Lyon, Redwood, and Yellow Medicine Counties, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul or Mankato, Minn.

MOTOR CARRIER OF PASSENGERS

No. MC 1002 (Sub-No. 23), filed April 26, 1971. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, 401 Lake Avenue, Asbury Park, NJ 07712. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and newspapers and express* in the same vehicle as passengers; (1) between the Borough of Little Silver, N.J., and the Borough of Red Bank, N.J., from the Borough of Little Silver, N.J., over Rumson Road to its junction with Avenue of Two Rivers, in the Borough of Rumson, N.J., thence over Avenue of Two Rivers to its junction with Ridge Road, thence over Ridge Road to its junction with River Road, thence over River Road to River Avenue, thence over River Avenue to River Road at the Borough of Rumson, N.J., and Borough of Fair Haven, N.J., municipal boundary, thence over River Road to the Borough of Red Bank, N.J., and return over the same route; (2) between the Borough of Rumson, N.J., and the Borough of Fair Haven, N.J., from the junction of Rumson Road and Fair Haven Road, in the Borough of Rumson, N.J., over Fair Haven Road to its junction with River Road in the Borough of Fair Haven, N.J., and return over the same route; and (3) between the Borough of Rumson, N.J., and the township of Middletown, N.J., from the junction of River Avenue and Bingham Avenue, in the Borough of Rumson, N.J., over Bingham Avenue to Oceanic Bridge, thence over Oceanic Bridge to the township of Middletown, N.J., and return over the same route and serving all intermediate points in 1 through 3 above. NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing regular route authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109780 (Sub-No. 66), filed April 28, 1971. Applicant: CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX. Applicant's representative: C. Zimmerman, Post Office Box 730, 300 South Broadway Avenue, Wichita, KS 67201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Rogers, Ark., and Fayetteville, Ark., over U.S. Highway 71, serving all intermediate points. NOTE: Applicant requests handling concurrently with MC-F-11158 and MC-F-11159, published in the FEDERAL REGISTER issue of May 19, 1971. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Tulsa, Okla.

No. MC 125399 (Sub-No. 1), filed April 27, 1971. Applicant: CARR'S DE-LUXE COACHES LIMITED, a corporation, 260 10th Street East, Owen Sound, ON Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005. 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 special operations, in round trip sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada to points in the United States including Alaska, but excepting Hawaii, and return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135412, filed March 5, 1971. Applicant: GOLDEN ARROW EXPRESS LIMITED, 617 Mowat Avenue, Fort Frances, Canada. Applicant's representative: Clarence Harvey Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from the port of entry on the international boundary line between the United States and Canada located near Rainy River, Ontario, and Fort Frances, Ontario, Canada, to points in Minnesota, Wisconsin, Illinois, Michigan, and North Dakota, and return. NOTE: Applicant states that the proposed operations will begin, for furtherance to the said ports of entry on the international boundary, thence for furtherance to the destination States named above, and return. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Bismarck, N. Dak.

No. MC 135552, filed March 24, 1971. Applicant: ALLIED UNDERWRITERS, INC., doing business as SCENIC TRAILS, 1807 Jackson, La Crosse, WI 54601. Applicant's representative: Irvin L. Hougom Route No. 3, Box 130, La Crosse, WI 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers; (1) between La

Crosse, Wis., and Dubuque, Iowa: From La Crosse over Wisconsin Highway 35 to junction U.S. Highway 18 at Prairie du Chien, Wis., thence over U.S. Highway 18 to junction U.S. Highway 61 at Fenmore, Wis., thence over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Platteville, thence over U.S. Highway 151 to Dubuque and return over the same route, serving all intermediate points; and (2) between La Crosse, Wis., and Dubuque, Iowa: From La Crosse over Wisconsin Highway 33 to junction U.S. Highway 27 at Cashton, Wis., thence over Wisconsin Highway 27 to junction U.S. Highway 61 at Westby, Wis., thence over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Platteville, thence over U.S. Highway 151 to Dubuque, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) La Crosse, Wis., (2) Madison, Wis., and (3) Minneapolis, Minn.

APPLICATION FOR WATER CARRIER

No. W-1235 (Sub-No. 1) (SECURITY BARGE LINE, INC., Extension—Removal of Restriction), filed May 4, 1971. Applicant: SECURITY BARGE LINE, INC., Lake Ferguson, Post Office Box 4927, Greenville, MS 38701. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Applicant herein seeks revision of its present certificate of public convenience and necessity under W-1235, so as to authorize operation as a common carrier by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage as follows: Between ports and points along the Arkansas-Verdigris Waterway, the Illinois Waterway, including points along Lake Michigan between Chicago, Ill., and Burns Harbor, Ind., both inclusive, the Minnesota River below Shakopee, Minn., the Mississippi River below Minneapolis, Minn., and the St. Croix River below Stillwater, Minn., including the points named.

By the Commission.

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

[FR Doc.71-6964 Filed 5-19-71;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 17, 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. 42203—*Liquid caustic soda to Foley, Fla.* Filed by Southwestern Freight Bureau, agent (No. B-236), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Foley, Fla.

Grounds for relief—Rate relationship.

Tariffs—Supplements 264 and 157 to Southwestern Freight Bureau, Agent, tariffs ICC 4668 and 4773, respectively.

By the Commission.

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

[FR Doc.71-7044 Filed 5-19-71;8:48 am]

[Notice 692]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72641. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Leo H. Searles, South Worcester, N.Y., of the operating rights in certificate No. MC-119304 issued July 15, 1960, to Gordon Mead, Roxbury, N.Y., authorizing the transportation of agricultural lime, in bulk, from Lee and West Stockbridge, Mass., to points in Delaware and Schoharie Counties, N.Y., Harold C. Vrooman, 140 Main Street, Oneonta, NY 13820, attorney for applicants.

No. MC-FC-72764. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Earl K. Robinson, Lebo, Kans., of certificate No. MC 70214 issued to Jake Sattler, Reading, Kans., authorizing the transportation of: Livestock, and various agricultural products, hardware, etc., between Lebo, Kans., and Kansas City, Mo. Elvin D. Perkins, Attorney, Post Office Box 609, Emporia, KS 66801.

No. MC-FC-72797 (Corrected).[1] By order of April 16, 1971, the Motor Carrier Board approved the transfer to William C. Harshman, Sr., doing business as Harshman & Sons, Southington, Ohio, of that portion of the operating rights in certificate No. MC-110943 (Sub-No. 1) issued July 9, 1964, to Thomas R. Hogarth, doing business as Hogarth's Towing Service, Twinsburg, Ohio, authorizing the transportation of wrecked or disabled motor vehicles, and replacement or repair parts or equipment for wrecked or disabled motor vehicles, between points in Geauga, Trumbull, Mahoning, and Columbiana Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Virginia, and West Virginia. Edwin C. Reminger, 731 Leader Building, Cleveland, OH 44114, attorney for applicants.

[1] The notice in the FEDERAL REGISTER dated Apr. 27, 1971, inadvertently showed the name of the attorney as Edwin C. Meminger.

No. MC-FC-72841. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Ashton-Damron Towing Co., a Michigan corporation, Detroit, Mich., of the operating rights in certificates Nos. MC-95840 (Sub-No. 1) and MC-95840 (Sub-No. 2) issued September 25, 1961, and November 15, 1963, respectively, to Grayson Damron doing business as Ashton-Damron Towing Co., Detroit, Mich., authorizing the transportation of wrecked and disabled automobiles, trucks, trailers, and buses, in truckaway service, and used tractors or used trailers to be used as replacements for wrecked or disabled tractors or trailers, in truckaway service, between Detroit, Mich., and points in that part of Michigan and Ohio within 100 miles of Detroit, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, New York, Wisconsin, Kentucky, West Virginia, and Tennessee; and wrecked, disabled, and repossessed motor vehicles, by use of wrecker equipment only, and replacement vehicles for wrecked and disabled motor vehicles, between points in Michigan, on the one hand, and on the other, points in the above destination States. William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021, attorney for applicants.

No. MC-FC-72843. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Pat's Van Lines, Inc., Kansas City, Mo., of certificate No. MC 104758 and MC 104758 (Sub No. 1) issued to C. W. Maxwell, Tonganoxie, Kans., authorizing the transportation of: Livestock, various agricultural commodities, and used farm machinery, and building materials and household goods, between specified points and areas in Kansas and Missouri. Donald J. Quinn, attorney, 1012 Baltimore, Kansas City, MO 64105.

No. MC-FC-72846. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Steel Transport, Inc., Cleveland, Ohio, of certificate of registration No. MC-58561 (Sub No. 1) issued to The Shawnee Cartage Co., a corporation, Cleveland, Ohio, authorizing transportation in interstate or foreign commerce between specified points and areas in Ohio. A. Charles Tell, attorney, 100 East Broad Street, Columbus, OH 43215.

No. MC-FC-72862. By order of May 12, 1971, the Motor Carrier Board approved

the transfer to Dependable Transport, Inc., Warner Robins, Ga., of the operating rights in permits Nos. MC-128696 (Sub-No. 1) and MC-128696 (Sub-No. 4) issued February 13, 1968, and November 24, 1969, respectively, to Grantham Trucking Co., a corporation, Warner Robins, Ga., authorizing the transportation of steel pressure tanks, from the plantsite of Delta Tank Manufacturing Co., Inc., at Macon, Ga., to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7042 Filed 5-19-71;8:48 am]

[Notice 297]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 110988 (Sub-No. 267 TA), filed May 7, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monoisoprophylbiphenyl*, liquid, in bulk, in tank vehicles, from the plantsite of Dixie Chemical Co., at or near Baytown, Tex., to the plantsite of National Cash Register Co. in Dayton, Ohio, and Portage, Wis., for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409 (Donald V. Lindamood, Distribution Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112963 (Sub-No. 19 TA), filed April 26, 1971. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, dry, in bulk, in tank vehicles, (1) from ports of entry on the United States-Canadian border at or near Alexandria Bay, Massena, Niagara Falls, and Ogdensburg, N.Y., to Woburn, Mass., and *refused and rejected shipments*, on return; (2) from Baldwinsville, N.Y., to Woburn, Mass., and (3) from Decatur, Ill., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Boston, Mass. 02203.

No. MC 117606 (Sub-No. 1 TA), filed May 7, 1971. Applicant: WEBB TRANSFER LINE, INC., Post Office Box 231, U.S. Highway 60 E., Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, Mail: Post Office Box 464, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, classes A and B explosives, articles of unusual value, redried tobacco, empty tobacco containers, knocked down or assembled, tobacco handling and testing equipment and agricultural products, commodities, in bulk, and those which, because of size or weight, require the use of special equipment) restricted to those declared surplus commodities by an agency of the U.S. Government, from U.S. Government installations and holding agencies for U.S. Government property in California, Florida, Kansas, Louisiana, Minnesota, Mississippi, Oklahoma, South Dakota, Texas, Utah, and Wisconsin, to points in Kentucky. Restriction: The above-described operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property, for 180 days. Supporting shipper: Edward L. Palmer, Director, Commonwealth of Kentucky, Department of Education, Division of Surplus Property, Frankfort, Ky. 40601. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 128866 (Sub-No. 22 TA), filed May 7, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brady Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of First National Stores, East Hartford, Conn., and Grimes Poultry Processing Corp., Fredericksburg, Pa., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08034. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129732 (Sub-No. 3 TA), filed May 7, 1971. Applicant: EMPIRE FUEL & TRANSFER CO., 920 Newmark, Coos Bay, OR 97420. Applicant's representative: Earle V. White, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp and paper pulp*, in bales, from points within the commercial zone-terminal area of Coos Bay, Oreg., to points in Cowlitz County, Wash., for 180 days. Supporting shipper: Coos Bay Timber Co., Post Office Box 750, Coos Bay, OR 97420. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129809 (Sub-No. 6 TA), filed May 7, 1971. Applicant: A & H, INC., 324 Old Highway 11, Box 346, Footville, WI 3587. Applicant's representative: David J. MacDougall, One East Milwaukee Street, Janesville, WI 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs*, from points in Wisconsin to points in Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Universal Foods Corp., 433 East Michigan, Milwaukee, WI 53203. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134670 (Sub-No. 1 TA), filed May 7, 1971. Applicant: CABS UNLIMITED, INC., 997 Dana Street, Mountain View, CA 94040. Applicant's representative: Sanford H. Sanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, and radioactive chemicals* in packages, not to exceed 700 pounds and restricted against the transportation of packages or articles weighing in the aggregate more than 2,000 pounds from one consignor to one consignee on any one day, between points in Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, Sacramento, San Benito, San Francisco, San

Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Supporting shipper: Domestic Air Express, Inc., 335 Valencia Street, San Francisco, CA 94103. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134922 (Sub-No. 8 TA), filed May 7, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AK 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk food products*, liquid and powdered, from Mitchell, S. Dak., to Seattle, Wash., Milwaukie and Portland, Oreg., Salt Lake City, Utah, Butte, Mont., Denver, Colo., Los Angeles, San Francisco, and Oakland, Calif., Phoenix, Ariz., Oklahoma City, Okla., Little Rock, Ark., and El Paso, San Antonio, Houston, and Fort Worth, Tex., for 180 days. Supporting shipper: Ross Laboratories, Division of Abbott Laboratories, Columbus, Ohio. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AK 72201.

No. MC 135404 (Sub-No. 2 TA), filed May 7, 1971. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Post Office Box 430, Goshen, NY 10924. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers, container ends and accessories, materials, and supplies* used in connection with the manufacture and the distribution thereof, from the town of Wallkill, Orange County, N.Y., to Paterson, N.J., and (2) *Returned, refused, and rejected merchandise* of the same description, *pallets, shrouds, separators, and frames*, from Paterson, N.J., to the town of Wallkill, Orange County, N.Y., for 180 days. Supporting shipper: Reynolds Aluminum, Reynolds Metals Co., Richmond, Va. 23261. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, NY 12207.

No. MC 135553 (Sub-No. 1 TA), filed May 7, 1971. Applicant: ANDERSEN, INC., 1618 College Avenue, Fredericksburg, VA 22401. Applicant's representative: William Henry Andersen (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bacon*, in vehicles equipped with mechanical refrigeration, from the plant site of White Packing Co. located at or near Dogue, Va., to Canton, Ohio, and Detroit, Mich.; and (2) *fresh and frozen pork bellies*, in vehicles equipped with mechanical refrigeration, from Detroit, Mich., and Sandusky, Ohio, to the plantsite of White Packing Co., located at or near Dogue, Va., for 180 days. Supporting shipper: White Packing Co., 2011 Eighth Street, North Bergen, NJ 07047. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

By the Commission.

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

[FR Doc.71-7043 Filed 5-19-71;8:48 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:

- 4049 ... 8289
- 4050 ... 8551
- 4051 ... 8553
- 4052 ... 8657
- 4053 ... 8859

EXECUTIVE ORDERS:

- 2295 (revoked by PLO 5052) ... 8807
- 10480 (see EO 11594) ... 8995
- 11592 ... 8555
- 11593 ... 8921
- 11594 ... 8995

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

- Memorandum of April 30, 1971 ... 8721

5 CFR

- 213 ... 8235, 8501, 8723
- 307 ... 8773

7 CFR

- 19 ... 8433
- 51 ... 8502, 9061, 9125
- 52 ... 8557
- 319 ... 9061
- 354 ... 8235
- 724 ... 8291, 8503
- 751 ... 8505
- 811 ... 8773
- 845 ... 9061
- 905 ... 9129
- 907 ... 8291
- 908 ... 8361, 8441, 8774, 9129
- 909 ... 8671, 8997
- 910 ... 8236, 8291, 8558, 8925, 9061
- 911 ... 8236
- 917 ... 8671
- 918 ... 8876
- 928 ... 8925
- 1015 ... 8361
- 1421 ... 8291, 8362, 8559, 8930, 8997, 9001
- 1430 ... 8237

PROPOSED RULES:

- 730 ... 8261
- 814 ... 9071
- 911 ... 8520, 9071
- 915 ... 8522
- 917 ... 8735
- 929 ... 8453
- 953 ... 8956
- 966 ... 8262, 8677
- 980 ... 8262, 8677
- 1030 ... 9025
- 1036 ... 8524, 8880, 8957
- 1125 ... 8678
- 1136 ... 8376
- 1207 ... 8588

8 CFR

- 103 ... 9001
- 204 ... 8294
- 214 ... 8660
- 234 ... 8294
- 238 ... 8294
- 248 ... 9001
- 299 ... 8295, 8505, 9002
- 499 ... 8505

9 CFR

Page

- 76 ... 8362, 8363, 8507, 8659, 8660, 8861, 8930, 8931
- 97 ... 8238, 8861
- 331 ... 9002–9004

PROPOSED RULES:

- 145 ... 9104
- 147 ... 9104

10 CFR

- 50 ... 8861

PROPOSED RULES:

- 2 ... 8379
- 140 ... 8454

12 CFR

- 1 ... 8723, 9065
- 201 ... 8441
- 545 ... 8507, 8724
- 703 ... 8508

PROPOSED RULES:

- 545 ... 9077
- 555 ... 9077
- 747 ... 8591

13 CFR

- 121 ... 8660

PROPOSED RULES:

- 121 ... 9144

14 CFR

- 39 ... 8209, 8306, 8307, 8509, 8862, 9005–9007
- 47 ... 8661
- 49 ... 8661
- 71 ... 8209, 8210, 8307, 8308, 8363–8365, 8509, 8510, 8662, 8775, 8863, 8864, 9065–9067
- 73 ... 8210, 8510, 9067
- 75 ... 8210, 8308
- 95 ... 8308
- 97 ... 8663, 9007
- 105 ... 8775
- 249 ... 8724
- 287 ... 8311
- 302 ... 8560
- 310 ... 8562
- 378 ... 8725
- 378a ... 8728

PROPOSED RULES:

- 1 ... 8383
- 21 ... 8383
- 23 ... 8383, 8398
- 25 ... 8383
- 27 ... 8383
- 29 ... 8383
- 33 ... 8383
- 39 ... 8695, 8696, 9026
- 71 ... 8263, 8316–8319, 8405, 8524, 8525, 8591, 8696, 8697, 8880, 8963, 9026, 9027, 9075, 9076, 9143
- 73 ... 9076
- 75 ... 8264, 8406, 9076
- 75 ... 8264, 8406
- 93 ... 9029
- 121 ... 8813
- 139 ... 8880
- 239 ... 8739
- 241 ... 9030

15 CFR

Page

- 370 ... 8367
- 371 ... 8367, 8932
- 372 ... 8368
- 373 ... 8369
- 374 ... 8370, 8776, 8932
- 376 ... 8370, 8932
- 379 ... 8371, 8776
- 399 ... 8776

16 CFR

- 2 ... 9008
- 3 ... 9008
- 4 ... 9009
- 13 ... 8292, 8665
- 424 ... 8777

17 CFR

- 201 ... 8933
- 230 ... 8935
- 231 ... 8238
- 240 ... 8935
- 241 ... 8238
- 249 ... 8239
- 270 ... 8729
- 271 ... 8729, 9130

PROPOSED RULES:

- 270 ... 8319, 9134
- 274 ... 8319, 8525, 9134

18 CFR

- 101 ... 8240
- 104 ... 8240
- 141 ... 8240
- 201 ... 8240
- 204 ... 8240
- 260 ... 8240
- 601 ... 8666
- 615 ... 8563

PROPOSED RULES:

- 640 ... 8739

19 CFR

- 1 ... 8666
- 12 ... 8667
- 16 ... 8365
- 153 ... 9009, 9010
- 174 ... 8731

PROPOSED RULES:

- 10 ... 8312
- 22 ... 9071

20 CFR

- 1 ... 8936
- 2 ... 8936
- 404 ... 8366

PROPOSED RULES:

- 405 ... 8960
- 602 ... 8524

21 CFR

- 3 ... 8939
- 25 ... 9010
- 132 ... 8242
- 135c ... 8732
- 135e ... 8781
- 135g ... 8781
- 148b ... 8242
- 149y ... 8243
- 420 ... 8243, 8441

21 CFR—Continued

Page

PROPOSED RULES:

Ch. I ... 8738
121 ... 9025
420 ... 8455

22 CFR

51 ... 9068

23 CFR

1 ... 8243

24 CFR

1 ... 8784
7 ... 8942
41 ... 8785
42 ... 8785
213 ... 8211
220 ... 8211
221 ... 8211
231 ... 8212
232 ... 8212
234 ... 8212
235 ... 8212
242 ... 8212
810 ... 8212
1000 ... 8212
1100 ... 8212
Ch. III ... 8213
1914 ... 8233, 8565, 8877
1915 ... 8234, 8366, 8566, 8878, 8942

PROPOSED RULES:

1913 ... 8453

25 CFR

41 ... 8366

PROPOSED RULES:

161 ... 8520
221 ... 8677

26 CFR

1 ... 9010, 9018
13 ... 9010
31 ... 9020
170 ... 8668
201 ... 8568
245 ... 8798
252 ... 8568
301 ... 9020

PROPOSED RULES:

1 ... 8585, 8808, 9024, 9138, 9142

29 CFR

5 ... 8949
101 ... 9132
102 ... 9132
197 ... 9134
1518 ... 8311
1601 ... 9068
1950 ... 8864

PROPOSED RULES:

727 ... 8960
1903 ... 8376, 8591, 8813
1904 ... 8693

30 CFR

PROPOSED RULES:

75 ... 8453

31 CFR

10 ... 8671
500 ... 8584

32 CFR

Page

591 ... 8943
592 ... 8947
593 ... 8947
594 ... 8947
597 ... 8948
598 ... 8948
599 ... 8948
600 ... 8948
602 ... 8948
606 ... 8948
812 ... 8258
1001 ... 8258
1007 ... 8259
1030 ... 8259

32A CFR

Ch. VII:

T-2 (amended) ... 8672

Ch. VIII ... 9136

PROPOSED RULES:

Ch. VI ... 9072, 9073
Ch. X ... 8587

33 CFR

1 ... 8732
3 ... 8211
40 ... 9135
62 ... 9021
74 ... 9021
207 ... 8866

PROPOSED RULES:

110 ... 8962
117 ... 8382

35 CFR

253 ... 9021

36 CFR

326 ... 8442

PROPOSED RULES:

7 ... 8585
50 ... 8813

37 CFR

1 ... 8732
202 ... 8868

38 CFR

3 ... 8445
21 ... 9021

39 CFR

3 ... 8673
5 ... 8673
124 ... 8372

PROPOSED RULES:

Ch. I ... 8879

41 CFR

5A-1 ... 8953
5A-16 ... 8953
5A-73 ... 8374
5B-12 ... 8510
8-16 ... 8953
15-1 ... 8447
101-20 ... 8295
101-26 ... 8295
101-38 ... 8869
101-45 ... 8567
101-47 ... 9021
115-1 ... 8568

PROPOSED RULES:

3-1 ... 8814

42 CFR

Page

37 ... 8869

PROPOSED RULES:

72 ... 8815

43 CFR

PUBLIC LAND ORDERS:

2721 (revoked in part by PLO 5050) ... 8450
5024 (corrected by PLO 5051) ... 8450
5029 (corrected by PLO 5049) ... 8450
5032 (corrected by PLO 5057) ... 8950
5049 ... 8450
5050 ... 8450
5051 ... 8450
5052 ... 8807
5053 ... 8949
5054 ... 8949
5055 ... 8949
5056 ... 8950
5057 ... 8950
5058 ... 9022
5059 ... 9135
5060 ... 9136
5061 ... 9136

PROPOSED RULES:

1810 ... 8956

45 CFR

119 ... 8950
140 ... 8952

PROPOSED RULES:

116 ... 8316
132 ... 8316
903 ... 8816
906 ... 8525
1201 ... 8698

46 CFR

309 ... 8511
542 ... 8259

PROPOSED RULES:

503 ... 8460
510 ... 8460
543 ... 8460

47 CFR

0 ... 8450, 8733, 8871
31 ... 8374
33 ... 8374
64 ... 8450, 8733
73 ... 8451
74 ... 8871

PROPOSED RULES:

1 ... 8382
2 ... 8591
15 ... 8963
73 ... 8382, 8455, 8456, 8591, 8699
74 ... 8382, 8457, 8591

49 CFR

1 ... 8733
7 ... 8873
25 ... 9178
173 ... 9068
177 ... 9068
195 ... 8296
230 ... 9069
391 ... 8452
392 ... 8452
571 ... 8296, 8298, 8734, 9069
1033 ... 8306, 8673, 8674, 8952
1047 ... 9022

49 CFR—Continued

	Page
1104	9022
1124	8211
1202	9070
1208	9070
PROPOSED RULES:	
173	8329
179	8329
Ch. X	8599, 8889

49 CFR—Continued

	Page
PROPOSED RULES—Continued	
1115	8740
1123	8327

50 CFR

	Page
17	8675
28	8734
32	8942
33	8807

50 CFR—Continued

	Page
250	8874
266	8675
277	8675
280	8515
PROPOSED RULES:	
10	8677
80	8261
258	9074
260	8688

LIST OF FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
8203–8281	May 1
8283–8354	4
8355–8426	5
8427–8494	6
8495–8543	7
8545–8649	8
8651–8716	11
8717–8765	12
8767–8851	13
8853–8914	14
8915–8988	15
8989–9054	18
9055–9119	19
9121–9191	20

federal register

THURSDAY, MAY 20, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 98

PART II

DEPARTMENT OF TRANSPORTATION

■

Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 29]

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

This amendment adds a new Part 25 to the Regulations of the Office of the Secretary of Transportation to implement the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and applies to the Office of the Secretary and each of the operating administrations of the Department.

The purpose of the Act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the Act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the Act and directs them to consult together to insure uniform implementation and administration of the Act.

Pursuant to section 213 of the Act and a memorandum from the President to all agency heads, dated January 4, 1971, interim guidelines for the issuance of regulations were developed by an interagency task force in conjunction with the Office of Management and Budget. The guidelines call for all Federal agencies within the executive branch to promptly issue interim regulations and to prepare final regulations to become effective not later than December 31, 1971. Part 25 is being adopted in accordance with those requirements.

Because of the large number of qualified persons awaiting payments and services under this part, additional delays attendant to notice and public procedures would not serve the public interest. I therefore find that good cause exists for making this part effective in less than 30 days.

At the same time, the Department invites all interested persons who desire to submit written comments or suggestions in connection with this part to submit them in duplicate to the Docket Clerk, Office of General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, by October 31, 1971. Consideration will be given to such submissions with a view to possible amendments. Copies of the submissions will be available for examination by interested persons in Room 10100, Nassif Building, 400 Seventh Street SW., Washington, DC, upon their receipt.

Part 25 is composed of nine subparts. Subpart A sets forth the policy of the Department, defines terms used in the part, provides for administrative implementation of the part by the operating administrations of the Department, and authorizes each operating administration of the Department to publish separate regulations consistent with Part 25 and the Act. Section 25.11, which prescribes the qualifications for a "displaced person," makes it clear that a person who moves from real property in response to certain official actions looking to its acquisition may qualify as a "displaced person" even though he moves before the actual acquisition takes place.

Subpart B prescribes the determinations required to be made by operating administrations of the Department concerning relocation assistance and land acquisition activities with respect to Federal projects which they carry out.

Subpart C prescribes requirements applicable to State agencies carrying out projects receiving Federal financial assistance from the Department or one of its operating administrations.

Subpart D describes the relocation assistance program and services to be provided by the State agency or operating administration of the Department actually carrying out a project.

Subpart E sets forth amounts and limitations for moving expense payments to persons displaced by Federal or federally assisted projects.

Subpart F provides for payment of moving expenses on the basis of a fixed schedule in lieu of payments computed under Subpart E at the option of the displaced persons concerned.

Subpart G sets forth the eligibility requirements and limitations applicable to relocation housing payments to persons displaced by Federal or federally assisted projects.

Subpart H authorizes operating administrations of the Department and State agencies to carry out required relocation assistance activities through other agencies.

Subpart I sets forth the requirements and limitations applicable to the acquisition of real property in connection with a Federal or federally assisted project.

Appendix A describes the records to be kept by operating administrations of the Department and State agencies with respect to their relocation activities under the part.

In consideration of the foregoing, effective on June 1, 1971, Subtitle A of Title 49, Code of Federal Regulations is amended by adding a new Part 25, "Relocation Assistance and Land Acquisition Under Federal and Federally Assisted Programs."

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

JOHN A. VOLPE,
Secretary of Transportation.

Subpart A—General

Sec.
25.1 Purpose and policy.
25.3 Definitions.
25.5 Applicability.
25.7 Delegations of authority.
25.9 Regulations.
25.11 Displaced person; qualifications.
25.13 Notices of intent to acquire real property.
25.15 Comparable replacement dwelling; requirements.
25.17 Decent, safe, and sanitary dwelling; requirements.
25.19 Decent, safe, and sanitary rental sleeping rooms; requirements.
25.21 Appeals.
25.23 Records.

Subpart B—Requirements for Federal Projects

25.31 Scope.
25.33 Determinations; displacement of persons.
25.35 Determinations; acquisition of real property.
25.37 State agency provides real property for a Federal project.

Subpart C—Requirements for Federally Assisted Projects

25.51 Scope.
25.53 Preliminary requirements.
25.55 Relocation plan required.
25.57 Assurances required; displacement of persons.
25.59 Assurances required; acquisition of real property.
25.61 Required information concerning State agency policy and procedure.
25.63 Use of Federal financial assistance.
25.65 Federal share of costs.

Subpart D—Relocation Assistance Advisory Programs

25.71 Scope.
25.73 Extension of services to adjacent occupants.
25.75 Relocation programs; general requirements.
25.77 Organizational requirements.
25.79 Local relocation office.
25.81 Coordination with other agencies.
25.83 Public information; general.
25.85 Public information; hearings.
25.87 Public information; brochure.
25.89 Public information; announcements.
25.91 Public information; notices.
25.93 Information for displaced persons.

Subpart E—Moving and Related Expenses

25.111 Scope.
25.113 Eligibility not dependent on length of occupancy.
25.115 Payment limited to one move; exception.
25.117 Noneligibility notice to rental occupants required.
25.119 Moving expenses; application and payment.
25.121 Exclusions.
25.123 Moving expenses; individuals and families.
25.125 Moving expenses; business and farm operations.
25.127 Moving expenses; advertising businesses.
25.129 Low value, high bulk property; businesses and farm operations.

Sec.
25.131 Actual direct losses; businesses and farm operations.
25.133 Expenses in searching for replacement business or farm operation.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

25.151 Scope.
25.153 Schedule of moving expense allowances; individuals and families.
25.155 Dislocation and moving expense allowances; individuals and families.
25.157 Fixed allowance; businesses.
25.159 Fixed allowance; farm operation.
25.161 Computing average annual net income; businesses and farm operations.

Subpart G—Replacement Housing Payments

25.171 Scope.
25.173 Purchase of a decent, safe, and sanitary dwelling.
25.175 Occupancy.
25.177 Inspection of replacement dwelling required.
25.179 Application and payment.
25.181 Eligibility.
25.183 Replacement housing payment; purchase price.
25.185 Replacement housing payments; rent and down payments.
25.187 Rules for considering land values.
25.189 Limitations; payment for purchase price.
25.191 Reasonable cost of comparable replacement dwelling.
25.193 Owner retention.
25.195 Increased interest costs.
25.197 Incidental expenses.
25.199 Computation of rental payments; tenants.
25.201 Computation of rental payments; homeowners.
25.203 Determining reasonable monthly rent.
25.205 Rental payments; method of payment.
25.207 Computation of down payments.
25.209 Down payments.
25.211 Provisional payment pending condemnation.
25.213 Combined payments.
25.215 Partial use of home for business or farm operation.
25.217 Multiple occupants of a single dwelling.
25.219 Multifamily dwelling.
25.221 Certificate of eligibility pending purchase of replacement dwelling.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

25.231 Authority to carry out relocation assistance through other agencies.
25.233 Information to be furnished to DOT.
25.235 Interagency agreement required.
25.237 Amendment of existing agreements required.

Subpart I—Acquisition of Real Property

25.251 Scope.
25.253 Real property acquisition practices.
25.255 Statement of just compensation to owner.
25.257 Equal interest in improvements to be acquired.
25.259 Payments to tenants for improvements.

Sec.
25.261 Expenses incidental to transfer of title.
25.263 Litigation expenses.

APPENDIX A—RECORDS.

AUTHORITY: The provisions of this Part 25 issued under sec. 213, 84 Stat. 1900, unless otherwise noted.

Subpart A—General

§ 25.1 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs.

(b) In implementing the Act, it is the policy of the Department of Transportation to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses, or farms.

§ 25.3 Definitions.

As used in this part—

"Agency concerned" means the operating administration within the Department of Transportation or the State agency responsible for carrying out the project concerned, or the Office of the Secretary of Transportation in the case of a project being carried out by that office.

"Appropriate DOT official" means an official of the Department of Transportation to whom the Secretary of Transportation has delegated authority to carry out this part and includes any person to whom that official has redelegated that authority.

"Business" means a lawful activity, other than a farm operation, conducted primarily—

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

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

(3) By a nonprofit organization.

"Dwelling" includes a single-family house, a single-family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area on the private market.

"Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income, however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operation's income for him to be eligible for relocation payments.

"Federal agency" means a department, agency or instrumentality in the Executive Branch of Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

"Federal financial assistance" means a grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Federally assisted" means assisted by a grant, loan or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Homeowner" means an individual or family who owns a dwelling.

"Initiation of negotiations" means the date the agency concerned makes its first personal contact with the owner of real property, or his representative, to discuss price of the property to be acquired.

"Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

"Own" means holding any of the following interests in a dwelling or a contract to purchase one of those interests:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) An interest in a cooperative housing project which includes the right to occupy a dwelling.

"Person" includes a partnership, company, corporation, or association as well as an individual.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

"State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a

State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

"Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 25.5 Applicability.

This part applies to projects which are part of a Federal or federally assisted program administered by the Department of Transportation and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

§ 25.7 Delegations of authority.

(a) Except as provided in § 25.153, the functions, powers, and duties of the Secretary of Transportation with respect to the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" are delegated to—

(1) The Assistant Secretary for Administration with respect to programs administered directly by the Office of the Secretary; and

(2) The head of each of the following operating administrations with respect to programs administered by their respective organizations:

(i) U.S. Coast Guard.

(ii) Federal Aviation Administration.

(iii) Federal Highway Administration.

(iv) Federal Railroad Administration.

(v) Urban Mass Transportation Administration.

(vi) National Highway Traffic Safety Administration.

(vii) St. Lawrence Seaway Development Corporation.

(b) Each officer to whom authority is delegated by paragraph (a) of this section may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

§ 25.9 Regulations.

(a) Each officer to whom authority is delegated by § 25.7 may prepare, and submit to the Assistant Secretary for Environment and Urban Systems for approval, regulations that—

(1) Implement the requirements of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (84 Stat. 1894) and this part; and

(2) Prescribe additional procedures and requirements that are appropriate to the particular programs administered by the preparing officer's organization and are not inconsistent with the Act or this part.

(b) After the Assistant Secretary for Environment and Urban Systems approves the regulations, the preparing officer shall submit them to the FEDERAL REGISTER for publication.

(c) Regulations issued under this section are effective only after approval by the Assistant Secretary for Environment and Urban Systems and publication in the FEDERAL REGISTER.

(d) This section applies to each amendment of regulations issued under this section.

(e) Regulations issued under this section shall be revised, as necessary, to conform to any amendments that may be made to this part.

§ 25.11 Displaced person; qualifications.

(a) Subject to the requirements of paragraphs (c), (d), and (e) of this section, a person qualifies as a displaced person for the purposes of this part if after January 1, 1971, he moves from real property, or moves his personal property from real property, on which he resides or conducts a business or farm operation, and the move is a direct result of—

(1) The initiation of negotiations for the real property;

(2) A written notice from the agency concerned of its intent to acquire the real property by a definite date; or

(3) A written order from the agency concerned to vacate the real property;

for a project undertaken by the Department of Transportation or a State agency receiving Federal financial assistance from the Department.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or federally assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The agency concerned becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the agency concerned; or

(3) The owner and the agency concerned enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the agency is to acquire title or the right to possession.

(d) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the agency concerned, does not qualify as a displaced person for the purposes of this part.

(e) A person who enters into occupancy of real property after the initiation of negotiations for that property or the issuance of a notice of intent to acquire that property by a given date, as the case may be, does not qualify as a displaced person for the purposes of this part.

§ 25.13 Notices of intent to acquire real property.

The agency concerned may not issue written notices of intent to acquire real property by a definite date until—

(a) The beginning of any project phase which will cause the displacement of persons who are to receive the written notices; and

(b) The appropriate DOT official has approved the issuance of the written notices.

§ 25.15 Comparable replacement dwelling; requirements.

A dwelling is a comparable replacement dwelling for the purposes of this part if it is—

(a) Decent, safe, and sanitary;

(b) Functionally equivalent and substantially the same as the dwelling being acquired with respect to—

(1) Number of rooms;

(2) Area of living space;

(3) Age; and

(4) State of repair;

(c) In an area not generally less desirable than the dwelling being acquired with respect to—

(1) Public utilities; and

(2) Public and commercial facilities;

(d) Reasonably accessible to the place of employment of the head of the displaced family or the displaced individual, as the case may be;

(e) Adequate to accommodate the displaced family or individual;

(f) In an equal or better neighborhood;

(g) Available on the market; and

(h) Within the financial means of the displaced family or individual.

§ 25.17 Decent, safe, and sanitary dwelling; requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and properly connected to a sewage disposal system;

(4) Has a stove and refrigerator in good operating condition, if required by local code, ordinance, or custom or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;

(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system

in good working order capable of maintaining a minimum temperature of 70° F. in the living area (not including the bedrooms) under local outdoor design temperature conditions;

(6) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system;

(7) Has an electrical wiring system in each room;

(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a multidwelling building, access from each dwelling unit directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a multidwelling building of more than two stories, at least two means of egress from the common corridor on each story;

(10) Has sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms (or similar spaces)) which—

(i) Measures at least 150 square feet for the first occupant and 100 square feet (70 square feet in the case of a mobile home) for each additional occupant;

(ii) Is subdivided into adequately ventilated rooms sufficient to accommodate the occupants;

(11) Is reasonably convenient to community services including schools, stores, and public transportation; and

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

(b) If the applicable local housing code does not conform to all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) (1)-(11) of this section.

§ 25.19 **Decent, safe, and sanitary rental sleeping rooms; requirements.**

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 70° F. under local outdoor design temperature conditions;

(3) Has an electrical wiring system;

(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(5) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two means of egress from the common corridor on each story;

(6) Is reasonably convenient to community services such as stores and public transportation;

(7) Has at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant; and

(8) Has use of a bathroom, well lighted and ventilated and affording privacy to a person within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

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

(b) If the applicable local housing code does not meet all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) (1)-(8) of this section.

§ 25.21 **Appeals.**

(a) An applicant for a payment under this part who is aggrieved by an agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the agency concerned under paragraph (b) of this section.

(b) Each agency concerned shall establish procedures for reviewing appeals by aggrieved applicants for payments under this part. The procedures shall insure that—

(1) Each appellant applicant has the opportunity for oral presentation;

(2) Each appeal will be decided promptly;

(3) Each appeal decision will include a statement of the reasons upon which it is based;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a right of final appeal to the head of the agency concerned.

§ 25.23 **Records.**

Each agency concerned shall maintain relocation records in accordance with the requirements of Appendix A and make them available during regular business hours of inspection by appropriate DOT officials. The records shall be retained by the agency for at least 3 years after completion of a project.

Subpart B—Requirements for Federal Projects

§ 25.31 **Scope.**

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federal program administered by the Department of Transportation.

§ 25.33 **Determinations; displacement of persons.**

(a) No DOT official may approve a Federal project to which this part applies which will result in the displacement of any person until he determines that—

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts E, F, and G of this part;

(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any person is displaced.

(b) No DOT official may proceed with any phase of a Federal project if that phase will cause the displacement of any person until he determines that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement; and

(2) Adequate provisions have been made to provide orderly, timely, and efficient relocation or displaced individuals and families to decent, safe, and sanitary housing available to persons without regard to race, color, religion, or national origin with minimum hardship to those affected.

§ 25.35 Determinations; acquisition of real property.

No DOT official may approve a Federal project to which this part applies and which will result in the acquisition of real property until he determines that adequate provisions have been made to—

(1) Fully comply with the requirements of Subpart I, of this part; and

(2) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 25.37 State agency provides real property for a Federal project.

(a) Whenever a State agency is obligated to provide the necessary real property incident to a Federal project, no DOT official may accept that real property until he determines that the State agency has carried out all the requirements of this subpart. However, until July 1, 1972, this section is applicable to a State agency only to the extent that agency is able to meet the requirements of this subpart under State law.

(b) The cost to a State agency of providing the payments and services required by this subpart shall be paid in the same manner and to the same extent as the cost of the real property acquired for the project. However, until July 1, 1972, the Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing payments and services for any displaced person.

Subpart C—Requirements for Federally Assisted Projects

§ 25.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a federally assisted program administered by the Department of Transportation.

§ 25.53 Preliminary requirements.

(a) Before a State agency begins a federally assisted project to which this part applies, it shall make preliminary investigations to determine—

(1) The approximate number of individuals, families, businesses, and farm operations that will be displaced; and

(2) The probable availability of comparable replacement dwellings.

(b) Before it holds any public hearings concerning the project, the State agency shall submit to the appropriate DOT official a statement of the basis for the findings required by paragraph (a) of this section and a statement of the displacement problems involved at each identifiable location, along with possible solutions.

§ 25.55 Relocation plan required.

No DOT official may authorize a State agency to proceed with any phase of a federally assisted project to which this part applies until the State agency has submitted a relocation plan to him for approval. The plan shall include:

(a) An inventory of the characteristics and needs of persons to be displaced. This inventory may be based upon a representative sampling process rather than a complete occupancy survey.

(b) An estimated inventory of currently available comparable replacement dwellings. The inventory shall set forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas, and distance to any pertinent social institutions, such as religious and community facilities.

(c) An analysis of the information required by paragraphs (a) and (b) of this section which—

(1) Discusses relocation problems and possible solutions;

(2) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(3) Provides detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;

(4) Describes the methods to be used to relocate displaced persons; and

(5) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

§ 25.57 Assurances required; displacement of persons.

(a) Except as provided in paragraph (c) of this section, no DOT official may approve a grant, contract, or agreement for a federally assisted project to which this part applies and which will result in the displacement of any person until the head of the State agency provides that official with satisfactory written assurance that—

(1) It will provide fair and reasonable relocation payments to displaced persons as required by Subparts, E, F, and G of this part;

(2) It will provide relocation assistance programs for displaced persons offering the services described in Subpart D of this part;

(3) It will adequately inform the public of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any person is displaced.

(b) Except as provided in paragraph (c) of this section, no DOT official may authorize a State agency to proceed with any phase of a project if that phase will cause the displacement of any person until that official receives satisfactory, written assurance from the head of the State agency that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement, equal in number to the displaced persons who require them; and

(2) The State agency relocation program is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available to persons without regard to race, color, religion, or national origin with minimum hardship to those affected.

(c) Until July 1, 1972, the requirements of paragraphs (a) and (b) of this section are applicable to a State agency only to the extent that agency is able to comply with those paragraphs under State law. However, no DOT official may authorize construction for a federally assisted project which will result in the displacement of any person unless adequate replacement housing is available, or provided if necessary.

(d) If a State agency maintains that it is legally unable to provide the assurances required by paragraphs (a) and (b) of this section, it shall give the appropriate DOT official a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 25.59 Assurances required; acquisition of real property.

(a) No DOT official may approve a grant, contract, or agreement for a Federally assisted project to which this part applies and which will result in the acquisition of real property until the head of the State agency concerned provides the appropriate DOT official with satisfactory assurances that it will—

(1) Fully comply with the requirements of Subpart I of this part; and

(2) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

However, until July 1, 1972, the requirements of this paragraph are applicable to a State agency only to the extent that agency is able to comply with this paragraph under State law.

(b) If a State agency maintains that it is legally unable to provide the assurances required by paragraph (a) of this section, it shall give the appropriate DOT official a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part, under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 25.61 Required information concerning State agency policy and procedure.

(a) Before beginning any project phase which will cause the displacement

of any person, the State agency shall submit the following information to the appropriate DOT official:

(1) A functional description of the office in the State agency which has responsibility for implementing relocation programs and the name of the individual in charge of that office.

(2) The estimated number and job titles of personnel having responsibilities for providing relocation payments and services in the central office and in any field offices showing to whom they report and their relationship to the central office.

(3) Job classifications, descriptions, and qualifications for all relocation assistance supervisory and field personnel.

(b) Before beginning any project phase which will cause the displacement of any person, the State agency shall submit to the appropriate DOT official a complete statement explaining the procedures it will follow in furnishing relocation services and making payments. The statement shall include:

(1) The citation and effective date of any applicable law.

(2) A declaration of understanding that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is applicable to federally assisted projects including those projects on which real property acquisition is financed by State money, but where Federal financial assistance will be used in construction.

(3) A description of the extent to which relocation assistance offices, including project or field offices, will be used, their office hours, the type of lists, maps, and other information to be maintained, and the measure of accessibility to displaced persons.

(4) A description of when and by whom personal contacts with displaced persons will be made.

(5) A description of the personnel, timing, methods, and procedures to be used in advance of real property negotiations to determine—

(i) An inventory of comparable replacement dwellings;

(ii) The approximate number of displaced persons;

(iii) The needs of displaced persons for available housing; and

(iv) A relocation plan for the project.

(6) A description of procedures to be used to provide public information through brochures, public hearings, newspapers, radio, television, and other means of available assistance and payments to displaced persons. A copy of brochures shall be appended.

(7) A description of the moving expense payments to which displaced persons are entitled and the methods employed in determining the amount of entitlement. Schedules shall be appended where applicable.

(8) A description of the procedures to be followed in making replacement housing payments to homeowners and tenants; indicating who is responsible for determining replacement housing payments, the time limits and methods of applying for payments, and the eligibility requirements.

(9) A description of the incidental transfer expenses that are payable. A copy of a typical closing statement indicating those payments shall be appended.

(10) A description of the appeal procedures that are available to displaced persons.

(11) A copy of all forms developed to carry out the relocation program shall be appended.

(c) In the case of a project phase which began before June 1, 1971, and will cause the displacement of any person after July 31, 1971, the State agency shall submit the information and statement required by paragraphs (a) and (b) of this section to the appropriate DOT official not later than July 31, 1971.

§ 25.63 Use of Federal financial assistance.

(a) Federal financial assistance may not be used for relocation and acquisition costs unless—

(1) The federally assisted project concerned has been approved and authorized to proceed;

(2) The relocation and acquisition costs are lawfully incurred; and

(3) The project agreement has been executed for the particular project involved.

(b) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(c) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(d) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—

(1) Required by the State law of eminent domain;

(2) Determined by the appropriate DOT official to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which Federal financial assistance is available.

§ 25.65 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by this part, shall be included as part of the cost of the federally assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Department of Transportation will loan a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(d) If Federal financial assistance is authorized for relocation payments made by a State agency under a law enacted before January 2, 1971, those funds may continue to be used for those payments on a pro rata basis in accordance with that law until July 1, 1972.

Subpart D—Relocation Assistance Advisory Programs

§ 25.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.73 Extension of services to adjacent occupants.

Each agency concerned shall provide the relocation assistance advisory services described in this subpart to all displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

§ 25.75 Relocation programs; general requirements.

Each agency concerned shall carry out a relocation assistance advisory program. The program shall provide for—

(a) Explaining to displaced persons the relocation assistance and payments that are available;

(b) Assisting displaced persons to complete applications required for payments;

(c) Determining the needs of displaced persons for relocation assistance;

(d) Informing displaced persons as to the availability and costs of comparable replacement dwellings and comparable locations for displaced businesses and farm operations;

(e) Assisting each displaced person to obtain and move to a comparable replacement dwelling;

(f) Informing displaced persons as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 25.77 Organizational requirements.

The organization and procedures of the agency concerned for carrying out a relocation assistance advisory program shall include provisions for:

(a) Assigning at least one person whose primary responsibility is to provide relocation assistance for one or more projects.

(b) Establishing a local relocation office for each project where the agency

determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for displaced persons.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of the agency's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

§ 25.79 Local relocation office.

(a) A determination of whether or not to establish a local relocation office shall be made whenever any phase of a project causes the displacement of any person and submitted to the appropriate DOT official for approval.

(b) The office shall be established at a place reasonably convenient to public transportation or within walking distance of the project and shall be open during hours (including evening hours when necessary) convenient to the persons being displaced.

(c) In the employment of persons in the local relocation office, consideration should be given to those who are familiar with the problems of the area.

§ 25.81 Coordination with other agencies.

(a) Each agency concerned shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.
action.

(b) The person assigned by the agency to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 25.83 Public information; general.

(a) To insure public awareness of its relocation assistance advisory program, the agency concerned shall provide an opportunity for presentation of information and discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information shall be published in the predominant language as well as in English, unless the appropriate DOT official finds that publication in a language other than English is unnecessary.

§ 25.85 Public information; hearings.

The information to be presented at a public hearing shall include—

(a) Eligibility requirements, payment procedures, and limitations for moving expenses and replacement housing;

(b) A description of the expenses incidental to transfer of property that will be paid;

(c) Appeal procedures;

(d) A description of how relocation assistance and services will be provided;

(e) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(f) The identity, local address, and telephone number of any other cooperating agency;

(g) An estimate of the number of individuals or families, businesses, and farm operations to be relocated;

(h) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(i) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period.

The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

§ 25.87 Public information; brochure.

The agency concerned shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing and moving expenses. The brochure shall be distributed free of charge at all public hearings and given to any displaced person upon request. The brochure shall state where copies of any regulations implementing the relocation assistance program may be obtained.

§ 25.89 Public information; announcements.

The agency concerned shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained, unless the appropriate DOT official finds that public announcements are not necessary because only a small number of persons will be displaced. Public announcements shall be made over any type of mass media that is familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

§ 25.91 Public information; notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, the agency concerned shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements shall be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements shall—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to insure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency; and

(f) State where the brochure describing the relocation program may be obtained.

§ 25.93 Information for displaced persons.

(a) The agency concerned shall deliver to each displaced person either in person or by certified mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the agency concerned shall deliver to each displaced homeowner or tenant, either in person or by certified mail, return receipt requested, a written statement setting forth the optional types and the actual amount of replacement housing payments to which they are entitled.

(c) The information required by paragraphs (a) and (b) of this section shall be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of

intent to acquire the property by a definite date, as the case may be.

(d) The agency concerned shall notify each displaced person of his right of appeal under § 25.21.

Subpart E—Moving and Related Expenses

§ 25.111 **Scope.**

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.113 **Eligibility not dependent on length of occupancy.**

A displaced person's eligibility for payment of moving and related expenses is not affected by the length of time that he occupied the real property from which he is displaced.

§ 25.115 **Payment limited to one move; exception.**

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the appropriate DOT official considers it to be in the public interest he may authorize payment of a displaced person's moving and related expenses for additional moves.

§ 25.117 **Noneligibility notice to rental occupants required.**

If an agency rents out real property acquired in connection with a project to which this part applies, it shall notify the tenant and state in the rental agreement that the tenant will not be eligible for payment of displacement, moving, and related expenses under this subpart.

§ 25.119 **Moving expenses; application and payment.**

(a) Upon application by a displaced person for payment of moving and related expenses, the agency concerned shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application shall be in writing and filed with the agency concerned within 1 year after the date of acquisition of the dwelling by the agency or the date the applicant vacated the dwelling, whichever is later. The application shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the agency concerned may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the agency concerned finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the agency concerned agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the agency concerned contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person who conducts a business or farm operation the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the agency concerned.

§ 25.121 **Exclusions.**

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) Cost of moving structures or other improvements to real property which are reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses; or

(j) Modification of personal property to adapt it to replacement site, except when required by law.

§ 25.123 **Moving expenses; individuals and families.**

(a) Except as provided in § 25.121, a displaced individual or family is entitled to actual reasonable expenses for—

(1) Transporting themselves and their personal property from the displacement site to a replacement site, but not more than 50 miles unless the agency concerned finds that the individual or family cannot relocate within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing their personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting their personal property;

(4) Insuring against loss or damage of their personal property while in storage or transit; and

(5) Removing and reinstalling a household appliance, including reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property;

(ii) The individual or family agrees in writing that the appliance is personal property and releases the agency concerned from paying for it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site.

(b) A displaced individual or family is entitled to be reimbursed for uninsurable loss or damage of their personal property while in the process of moving, if the loss or damage was not a result of their fault or negligence.

§ 25.125 **Moving expenses; businesses and farm operations.**

(a) Except as provided in § 25.121, a displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to actual reasonable expenses for—

(1) Transporting his personal property from the displacement site to a replacement site, but not more than 50 miles, unless, in the case of relocation, the agency concerned finds that the business or farm operation cannot be relocated within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing his personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery and equipment including reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property;

(ii) The displaced person agrees in writing that the machinery or equipment is personal property and releases the agency concerned from paying it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 25.133.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of § 25.131.

(c) A displaced person who conducts a business or farm operation which is relocated is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage is not the result of his fault or negligence.

§ 25.127 **Moving expenses; advertising businesses.**

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the

premises on which any of those activities are conducted, is entitled to the moving expenses described in § 25.125.

§ 25.129 **Low value, high bulk property; businesses and farm operations.**

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

§ 25.131 **Actual direct losses; businesses and farm operations.**

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) If a business or farm operation is relocated, payment for actual direct losses of personal property may not be more than the amount the agency concerned determines the reasonable moving expenses would be for moving that property to the relocation site.

(c) A displaced person who conducts a business or farm operation shall make a bona fide effort to sell personal property he does not move.

(d) If a displaced person relocates a business or farm operation and sells an item of personal property that he does not move and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the cost of moving the original item, whichever is less.

(e) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of that item may not be more than the inplace value of the item less its sale price, or the cost of moving it, whichever is less.

(f) If a displaced person who conducts a business or farm operation abandons an item of personal property after making a bona fide effort to sell that property, payment for the actual direct loss of that item may not be more than the inplace value of the item less what its sale price would have been, or the cost of moving it, whichever is less.

§ 25.133 **Expenses in searching for replacement business or farm operation.**

(a) Except as provided in paragraph (b) of this section, a displaced person who conducts a business or farm operation is entitled to not more than $500, or such higher amount as the agency concerned considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than $10 per hour; and

(4) If the agency concerned considers it desirable, the cost of a broker or realtor to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 25.127, is entitled to not more than $100, or if the agency concerned considers it justified under the circumstances not more than $500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

§ 25.151 **Scope.**

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under Subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

§ 25.153 **Schedule of moving expense allowances; individuals and families.**

The Federal Highway Administrator shall establish and maintain a schedule of moving expense allowances applicable to individuals and families displaced by projects to which this part applies for each State. The schedule shall cover every locality in the State and shall be based on current local moving costs. The allowance for any individual or family may not be more than $300.

§ 25.155 **Dislocation and moving expense allowances; individuals and families.**

(a) Except as provided in paragraph (b) of this section, a displaced individual or family who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(1) A dislocation allowance of $200; and

(2) The applicable moving expense allowance specified in the schelule of moving expense allowances maintained under § 25.153 for the locality concerned.

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

§ 25.157 **Fixed allowance; businesses.**

(a) A displaced person who conducts a business and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the business, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000, if that business—

(1) Substantially contributes to the income of the displaced person;

(2) Cannot, in the opinion of the agency concerned, be relocated without substantial loss of existing patronage taking into consideration—

(i) The type of the business;

(ii) The nature of its clientele; and

(iii) The relative importance of the displacement and proposed relocation sites to the business; and

(3) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

§ 25.159 **Fixed allowance; farm operation.**

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the agency concerned finds that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

§ 25.161 **Computing average annual net income; businesses and farm operations.**

(a) For the purposes of this subpart, the average annual net income of a business or farm operation is its average annual net earnings before Federal, State, and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents, or in the case of a corporate owner, by the holder of a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall be treated as a unit.

(c) If the agency concerned finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the appropriate DOT official, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax

returns, certified financial statements, or other similar evidence.

Subpart G—Replacement Housing Payments

§ 25.171 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.173 Purchase of a decent, safe, and sanitary dwelling.

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

§ 25.175 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the agency concerned may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 25.177 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the agency concerned shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The agency concerned may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the agency concerned that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 25.179 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the agency concerned shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application shall be in writing and filed with the agency concerned within 18 months after the date the applicant was required to vacate an acquired dwelling or 6 months after final adjudication of a condemnation proceeding, whichever is later.

§ 25.181 Eligibility.

(a) A displaced homeowner is eligible for a replacement housing payment under § 25.183 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Purchases and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(b) A displaced homeowner is eligible for a replacement housing payment under § 25.185 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(c) A displaced tenant is eligible for a replacement housing payment under § 25.185 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling.

(d) For the purpose of paragraphs (a)(2) and (b)(2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

§ 25.183 Replacement housing payment; purchase price.

A displaced homeowner who qualifies under § 25.181(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation the payment shall include the following amounts:

(a) If the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses.

§ 25.185 Replacement housing payments; rent and down payments.

A displaced homeowner who qualifies under § 25.181(b) or a displaced tenant who qualifies under § 25.181(c), is entitled to a replacement housing payment of not more than $4,000. Within that limitation the payment shall be that amount necessary for the homeowner or tenant to—

(a) Rent a comparable replacement dwelling for a period of not more than 4 years; or

(b) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

§ 25.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 25.183(a) the following rules apply:

(a) If the dwelling is located on a tract typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the value of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling assuming it was located on a tract typical for the area.

(c) If the dwelling is located on a tract that has a use higher and better than residential, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 25.189 Limitations; payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling sets the upper limit of the differential amount payable under § 25.183(a). To qualify for the full amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in value than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 25.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

§ 25.191 Reasonable cost of comparable replacement dwelling.

(a) In determining the reasonable cost of a comparable replacement dwelling available on the private market, the agency concerned shall use one of the following methods:

(1) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings which are available. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of rooms, and price ranges.

(2) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings which are available. Selection of the dwellings must be made by a qualified employee of the agency concerned who is familiar with real property values and current real estate transactions.

(3) If it finds that the methods described in subparagraphs (1) and (2) of this paragraph are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.193 Owner retention.

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under § 25.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

(1) The moving and restoration expenses;

(2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and

(3) The estimated selling price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 25.189.

§ 25.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 25.183(b) is—

(1) The present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage; or

(2) An amount based on a schedule prescribed or approved by the appropriate DOT official and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area.

§ 25.197 Incidental expenses.

(a) The incidental expenses payable under § 25.183(c) or § 25.185(b) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

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

(2) Lender, FHA, or VA appraisal fees.

(3) FHA or VA application fee.

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

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

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

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Public Law 90–321, and Regulation "Z" issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 25.199 Computation of rental payments; tenants.

(a) The amount payable to a displaced tenant, other than a tenant of the agency concerned, for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable 48 times the monthly economic rent for the dwelling unit as established by the agency concerned.

(b) The amount payable to a displaced tenant of the agency concerned for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

§ 25.201 Computation of rental payments; homeowners.

The amount payable to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under § 25.183.

§ 25.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 25.199 and 25.201, the agency concerned shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule shall be based on an analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable rent by examining the rent of at least three comparable replacement dwellings available on the private market.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.205 Rental payments; method of payment.

If a rental payment under § 25.185(a) is more than $500, it shall be made in four equal annual installments. Before making an annual payment, the agency concerned shall verify that the tenant still occupies a decent, safe, and sanitary dwelling.

§ 25.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment under § 25.185(b) is the full amount of the first $2,000 of the required down payment plus one-half of any amount required over $2,000. However, the homeowner or tenant must provide the other half of any amount required over $2,000.

§ 25.209 Down payments.

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 25.185(b) to the down payment and the incidental expenses described in the closing statement.

§ 25.211 **Provisional payment pending condemnation.**

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the agency concerned may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

§ 25.213 **Combined payments.**

(a) If a homeowner is eligible for payment under § 25.183, but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from any amount that he receives under § 25.183.

(b) If a homeowner or tenant is eligible for a down payment under § 25.185(b), but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 25.185(b).

§ 25.215 **Partial use of home for business or farm operation.**

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive a payment under § 25.125 is not affected by this section.

§ 25.217 **Multiple occupants of a single dwelling.**

(a) If two or more families, or an individual and a family, occupy the same dwelling, each individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

§ 25.219 **Multifamily dwelling.**

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building or a single-family structure, without regard for the number of units in the building being acquired.

§ 25.221 **Certificate of eligibility pending purchase of replacement dwelling.**

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the agency concerned shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 25.181(a)(3), (b)(3), or (c)(3), as the case may be.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

§ 25.231 **Authority to carry out relocation assistance through other agencies.**

To prevent unnecessary expenses and duplication of activities, an agency concerned that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services of any Federal, State, or local governmental or private agency having an established organization for conducting relocation assistance programs.

§ 25.233 **Information to be furnished to DOT.**

If an agency concerned elects to provide relocation services or make relocation payments through another agency, the agency shall furnish the appropriate DOT official with the following information concerning the other agency:

(a) The name and location of the agency.

(b) An analysis of the agency's present workload and of its ability to perform the requirements of this subpart.

(c) The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

§ 25.235 **Interagency agreement required.**

If an agency concerned elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the appropriate DOT official and contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 25.23 be retained by the other agency or turned over to the agency concerned and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 25.23 be available for inspection by representatives of the Department of Transportation at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or federally assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or federally assisted project are eligible for Federal funds.

(f) The clauses set forth in Appendix A of the Civil Rights Assurances and the requirements of Part 21 of this subtitle.

(g) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

§ 25.237 **Amendment of existing agreements required.**

Each agreement between an agency concerned and another agency for carrying out relocation assistance functions through the other agency that is in effect on June 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 25.235. The agency concerned shall furnish the appropriate DOT official with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

Subpart I—Acquisition of Real Property

§ 25.251 **Scope.**

This subpart prescribes requirements for the acquisition of real property in a Federal or federally assisted program administered by the Department of Transportation.

§ 25.253 **Real property acquisition practices.**

(a) In acquiring real property, each agency concerned shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations, establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price;

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property;

(iii) Or pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move;

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupant;

(3) Advance the time of condemnation;

(4) Defer negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(5) Take any coercive action to compel an owner to agree to a price for his property.

§ 25.255 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the agency concerned shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement shall include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) An identification of any real property improvements, including fixtures, not owned by the owner of the land.

(e) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired.

(f) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(g) The amount of damages to any remaining real property.

§ 25.257 Equal interest in improvements to be acquired.

In acquiring any interest in real property each agency concerned shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 25.259 Payments to tenants for improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on real property acquired for a project to which this part applies, the agency concerned shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value of the improvement, assuming its removal from the property; or

(2) The enhancement to the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the agency concerned all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

§ 25.261 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the agency concerned shall reimburse the owner for—

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

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

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

§ 25.263 Litigation expenses.

(a) In any condemnation proceeding brought by the agency concerned to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the agency concerned cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the agency concerned shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

Appendix A—Records

The following list sets forth relocation information which an agency concerned shall maintain for each Federal or federally assisted project that it administers.

I. *General.* The agency concerned shall keep a record of the following general information concerning the project:

(1) Project and parcel identification.

(2) Name and address of each displaced person; his new address and telephone number if available.

(3) Dates of all personal contacts made with each displaced person.

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) Whether the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the agency concerned, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

II. *Displacements from dwellings.* The agency concerned shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.

(3) Fair market value, or monthly rent.

(4) Number of rooms.

III. *Displaced businesses.* The agency concerned shall keep a record of the following information concerning each business displaced in connection with the project:

(1) Type of business.

(2) Whether or not relocated.

(3) If relocated, distance moved.

(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

IV. *Moving expenses.* The agency concerned shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.

(2) If personal property is stored temporarily—

(a) The place of storage;

(b) The duration of storage; and

(c) A statement of why storage is necessary.

(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense;

(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.

(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

V. *Replacement housing payments.* The agency concerned shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.

(2) The date application for payment is approved or rejected.

(3) Data substantiating the amount of payment.

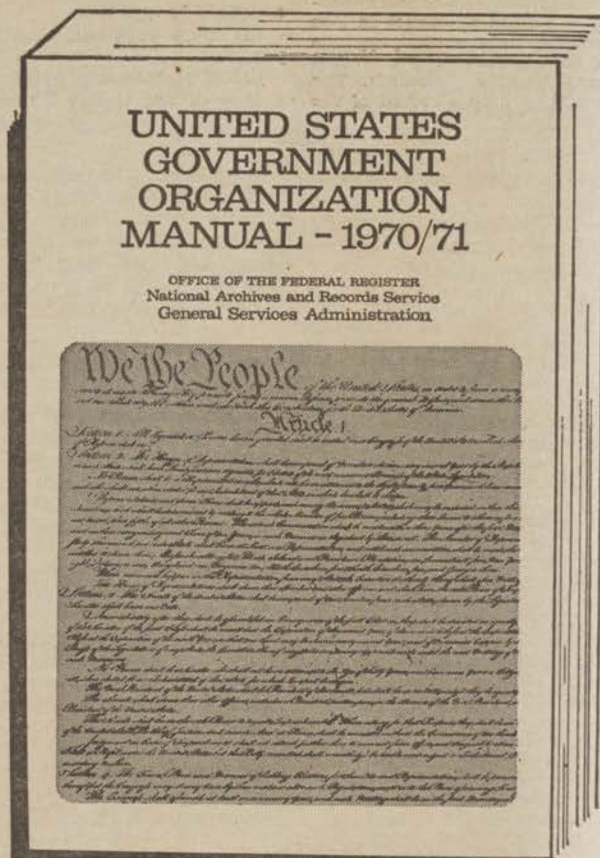
(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.

(5) Whenever a rental payment is made by annual installment, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.

(6) A copy of the Truth in Lending Statement, or other data, including computations, that confirms the increased interest payment.

[FR Doc.71-6959 Filed 5-19-71;8:45 am]

know your government



UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71 presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402