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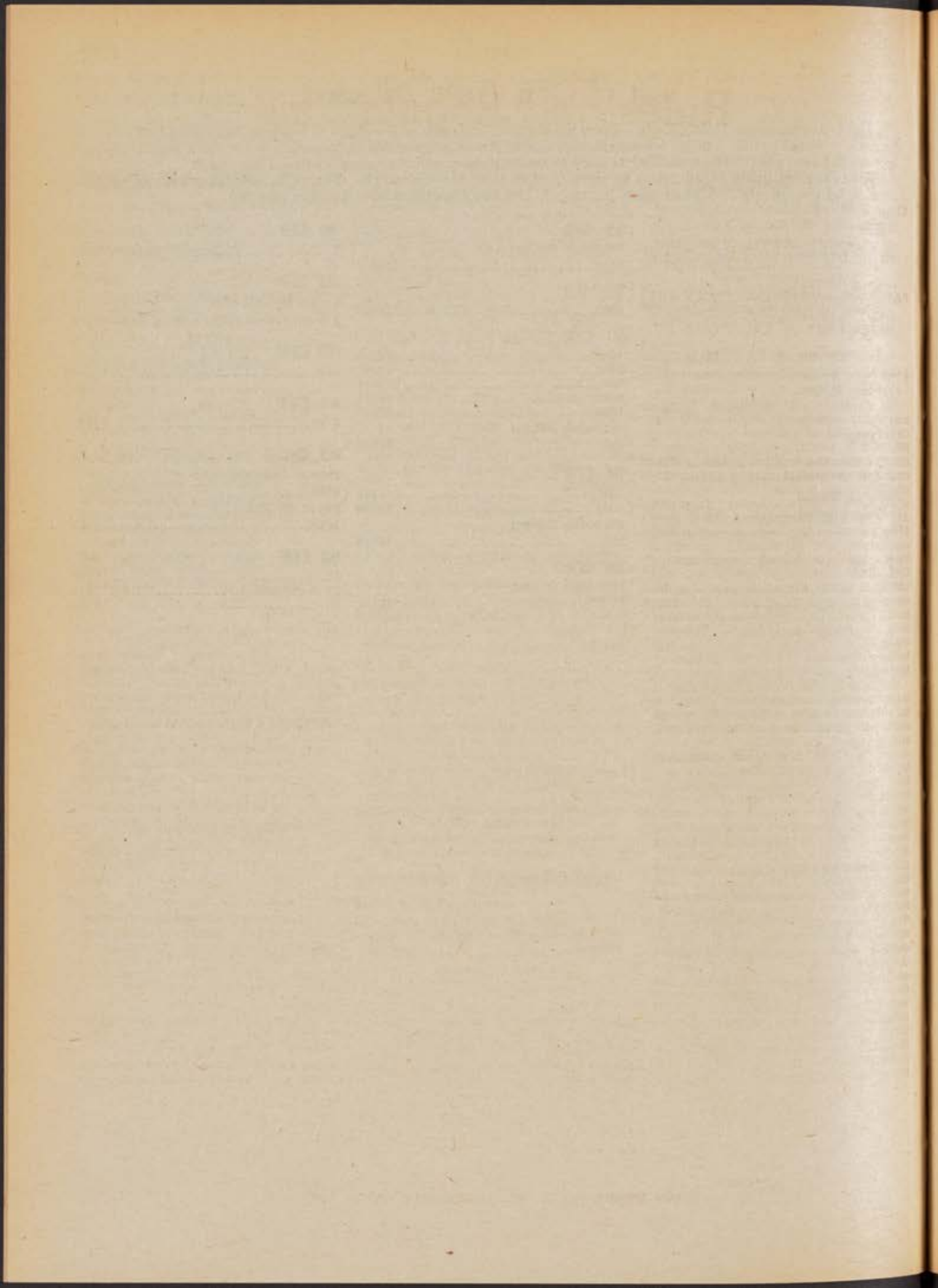
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Title 7—AGRICULTURE

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

[Valencia Orange Reg. 357]

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

Limitation of Handling

§ 908.657 Valencia Orange Regulation 357.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such

meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 13, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 16, 1971, through July 22, 1971, are hereby fixed as follows:

- (i) District 1: 127,000 cartons;
- (ii) District 2: 423,000 cartons;
- (iii) District 3: Unlimited.

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

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

Dated: July 14, 1971.

FLOYD F. HELDUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[FR Doc. 71-10167 Filed 7-14-71; 11:21 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 7]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

ELIGIBLE BORROWERS

Correction

In F.R. Doc. 71-9388 appearing at page 12509 in the issue of Thursday, July 1, 1971, the 11th line from the bottom of § 1474.4(b)(4) reading "of existing storage are baled for hay is" should read "of existing storage for baled hay is".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-677]

PART 545—OPERATIONS

Amendment Relating to Service Corporations

JULY 8, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of prohibiting the conduct of activities of service corporations in which Federal savings and loan associations may invest in offices located in, or the organization of subsidiaries of service corporations under the laws of, a State, District, Commonwealth, territory, or possession other than that in which the service corporation was organized. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.9-1 by revising paragraph (i) thereof to read as follows, effective August 16, 1971:

§ 545.9-1 Service corporations.

(1) *Limitation on activities.*—(1) *Acquisition of "scheduled items."* The activities which are specified in this section for service corporations in which Federal associations may invest do not include their use to acquire "scheduled items", as defined in § 561.15 of this chapter, from an "insured institution", as defined in § 561.1 of this chapter, except that any real estate owned by any "insured institution" may be acquired by a service corporation for the purpose of providing housing.

(2) *Location of offices and subsidiaries.* The activities of a service corporation in which a Federal association may invest do not include the conduct of any such activities in an office of such service corporation, or subsidiary thereof, which is located in, or through a subsidiary corporation which is organized under the laws of, a State, District, Commonwealth, territory, or possession other than that in which the service corporation was organized.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4081, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that, since it is in the public interest to inform Federal savings

and loan associations as soon as possible of the changes effected by the above amendment in order that such associations may avoid undertakings inconsistent therewith, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.
[FR Doc.71-10035 Filed 7-14-71;8:49 am]

[No. 71-678]

PART 545—OPERATIONS

PART 555—BOARD RULINGS

Amendments Relating to Servicing of Loans by Federal Savings and Loan Associations for Others

JULY 8, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 9077) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Parts 545 and 555 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545, 555) for the purposes of adding specific regulatory provisions concerning the servicing of loans by Federal savings and loan associations and rescinding a ruling relating thereto. Accordingly, upon the basis of such consideration and for such purposes, the Federal Home Loan Bank Board hereby amends said Parts 545 and 555 as follows, effective August 16, 1971:

1. Part 545 is hereby amended by adding a new § 545.11, immediately after § 545.10 thereof, to read as follows:

§ 545.11 Servicing of loans.

A Federal association may, except as otherwise limited by regulation, service any loan which it owns and any loan in which it has a participation interest. In addition, a Federal association may service for others any loan in which—

(a) Such association has owned any interest at any time;

(b) The Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association has owned any interest at any time;

(c) The Federal Savings and Loan Insurance Corporation holds any interest as conservator, receiver, or other legal custodian of an institution whose accounts are insured by such Corporation (whether or not such institution is in default);

(d) A member of such association owns any interest;

(e) A service corporation in which such association holds capital stock pursuant to the provisions of § 545.9-1 owns any interest; or

(f) An institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation owns any interest if such loan was originated or purchased pursuant to any of the provisions of § 563.9(a) of this chapter.

2. Part 555 is hereby amended by rescinding paragraph (b) of § 555.4 thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

EUGENE M. HERRIN,
Assistant Secretary.
[FR Doc.71-10036 Filed 7-14-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-SO-125; Amdt. 39-1243]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 Series Airplanes

There have been incidents of shorting to ground of the magneto leads on the Piper Model PA-28 series airplanes which have resulted in complete engine stoppage. Since this condition is likely to exist or develop on other airplanes of the same design, an airworthiness directive is being issued to require inspection of the magneto filter terminals and installation of proper insulators on Piper Model PA-28 series airplanes.

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

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

PIPER. Applies to PA 28-140 airplanes Serial Nos. 28-20001 through 28-23042, PA 28-150/-160/-180 airplanes Serial Nos. 28-1 through 28-4033, and PA 28-235 airplanes Serial Nos., 28-10001 through 28-10718, certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this airworthiness directive unless already accomplished.

To prevent possible inadvertent grounding of magnetos, accomplish the following:

(a) Visually inspect the two terminals of the magneto filters on the aft side of the firewall. If these terminals are not insulated, install electrical nipples Piper P/N 23969-02 in accordance with Piper Service Bulletin 313, dated July 1, 1970, or later approved revision, or FAA approved equivalent.

This amendment becomes effective July 15, 1971.

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

Issued in East Point, Ga., on July 2, 1971.

JAMES S. ROGERS,
Director, Southern Region.

[FR Doc.71-10043 Filed 7-14-71;8:50 am]

[Docket No. 71-CE-1-AD; Amdt. 39-1244]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models A60, 99, and 99A Airplanes

Amendment 39-1159, published in the FEDERAL REGISTER on February 26, 1971 (36 F.R. 3517), AD 71-5-3, provides in paragraph C thereof for the installation of transducer unit P/N 3E1793 on Beech Model A60 airplanes in accordance with applicable manufacturer's instructions.

Subsequent to the issuance of Amendment 39-1159, the manufacturer has advised the FAA that the subject transducer unit is now being supplied by Safe Flight Corporation and is identified as either P/N 190-1 or P/N 190-2. Accordingly, it is necessary to amend Paragraph C of the airworthiness directive to correctly identify the applicable transducer unit and to have it installed in accordance with Beech Service Instruction 0430-355, Revision 1. Action is taken herein to reflect this change.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), paragraph C of Amendment 39-1159 (36 F.R. 3517), AD 71-5-3, is amended so that it now reads as follows:

(C) On Beech Models A60 airplanes, install either transducer unit, P/N 3E1793, P/N 190-1, or P/N 190-2 in accordance with Beech Service Instruction 0430-355, Rev. 1, or by the accomplishment of any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 16, 1971.

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

Issued in Kansas City, Mo., on July 6, 1971.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.71-10044 Filed 7-14-71;8:50 am]

[Airspace Docket No. 71-NW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area**

On May 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9565) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Klamath Falls, Oreg., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 16, 1971.

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

Issued in Los Angeles, Calif., on July 6, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Klamath Falls, Oreg., transition area is amended to read as follows:

KLAMATH FALLS, OREG.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile-radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 48-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,600 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320°

radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

[FR Doc. 71-10040 Filed 7-14-71; 8:50 am]

[Airspace Docket No. 71-EA-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone and Transition Area**

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Franklin, Pa., control zone (36 F.R. 2083) and transition area (36 F.R. 2190).

The VOR and NDB instrument approach procedures for Chess-Lamberton Airport, Franklin, Pa., have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. The revised procedures require alteration of the control zone and 700-foot transition area.

The revised VOR procedure requires a 1° correction to the present designation of the 700-foot floor transition area and control zone extensions which are presently described with respect to the Franklin VOR.

The control zone extension described with respect to the 102° and 282° true bearings from the Franklin RBN is no longer required because of the revised NDB procedure and has been deleted from the description of the control zone.

Since the amendment is clarifying and less restrictive in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the Federal Aviation Administration, having reviewed the airspace requirements in the terminal airspace of Franklin, Pa., amends Part 71 of the Federal Aviation Regulations as follows, effective 0901 G.m.t. September 16, 1971:

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

Within a 5-mile radius of the center, 41°22'45" N., 79°51'40" W. of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa. VOR 360° and 180° radials extending from the 5-mile-radius zone to 8.5 miles north of the VOR. This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday, and 1100 to 2000 hours, local time, Sunday.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Franklin, Pa., 700-foot-floor transition area; "001", and insert in lieu thereof; "360".

(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 July 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 71-10041 Filed 7-14-71; 8:50 am]

[Airspace Docket No. 71-SO-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zone and Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sarasota, Fla., control zone and transition area.

The Sarasota control zone is described in § 71.171 (36 F.R. 2055) and the transition area is described in § 71.181 (36 F.R. 2140). In the descriptions, extensions predicated on the Sarasota VOR have designated widths of 6 miles. Effective August 5, 1971, the VOR RWY 31 Instrument Approach Procedure will be revised to permit a DME Arc Approach. The application of Terminal Instrument Procedures (TERPs) will require an increase in the control zone and transition area extensions to 10 miles in width. It is necessary to alter the descriptions to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 5, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Sarasota, Fla., control zone is amended to read:

SARASOTA, FLA.

Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 5-mile-radius zone to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 5-mile-radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Sarasota, Fla., transition area is amended to read:

SARASOTA, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 8.5-mile-radius area to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 8.5-mile-radius area to 8.5 miles southeast of the VORTAC; excluding that airspace outside the continental limits of the United States.

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

Issued in East Point, Ga., on July 7, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc. 71-10042 Filed 7-14-71; 8:50 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC 6600]

PART 270—RULES AND REGULA- TIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COM- PANY ACT OF 1940

Contractual Plans for Mutual Fund Shares and Variable Annuities

On April 29, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6493) (36 F.R. 8319) that it had under consideration the adoption of Rules 27d-1, 27e-1, 27f-1, 27g-1, and 27h-1, and Forms N-27D-1, N-27E-1, N-27F-1, N-27F-2, and N-27F-3 under the Investment Company Act of 1940 (Act) as amended by the Investment Company Amendments Act of 1970 (84 Stat. 1413) (the 1970 Act), and the amendment of Rules 27a-1, 27a-2, 27a-3, and 27c-1 under the Act. All interested persons were invited to comment on the proposals. Pursuant to notice (Investment Company Act Release No. 6527, May 17, 1971) (36 F.R. 9143), a Public Conference was held on May 28, 1971, at which time interested persons were heard by the Commission. On June 10, 1971 (Investment Company Act Release No. 6559) (36 F.R. 11645), the Commission adopted, in the form originally proposed, the amendments to Rules 27a-1, 27a-2, 27a-3, and 27c-1, effective June 14, 1971.

The Commission has considered all of the comments and suggestions received and has determined to adopt Rules 27d-1, 27d-2, 27e-1, 27f-1, 27g-1, 27h-1, and Forms N-27D-1, N-27E-1, and N-27F-1 in the form set forth below. Adoption of the rules and forms is made pursuant to the authority granted the Commission in sections 27(d), 27(e), 27(f), 38(a), and 6(c) of the Act [15 U.S.C. 80a-27(d), 80a-27(e), 80a-27(f), 80a-37(a), and 80a-6(c); and Public Law 91-547, 84 Stat. 1424, 1425].

Sections 27(d) and 27(f) of the Act provide that the Commission may make rules and regulations applicable to underwriters for and depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to

carry out the obligations to refund charges as required by those sections. Sections 27(e) and 27(f) of the Act provide that the Commission may make rules specifying the method, form, and contents of the notices required by those sections. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The 1970 Act did not change the provisions of section 27(a) of the Act which, among other things, permit a deduction for sales load of 50 percent of the first 12 monthly payments or their equivalent. However, new subsections (d), (e), and (f) afford holders of periodic payment plan certificates certain specified rights of refund, withdrawal, and notice, while sections (g) and (h) permit registered investment companies issuing periodic payment plan certificates to elect to sell them subject to a "spread load," under which the sales load is restricted to not more than 20 percent of any payment and not more than an average of 16 percent of the first 48 monthly payments or their equivalent (84 Stat. 1424, 1425).

Periodic payment plan certificates sold subject to section 27(d) of the Act, typically with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Section 27(f) of the Act applies to all periodic payment plans whether sold pursuant to section 27(d), section 27(h) of the Act, or otherwise. Under it a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested; i.e., a complete refund of all charges.

Rule 27d-1 and Rule 27d-2 (17 CFR 270.27d-1, 270.27d-2). Rule 27d-1 (§ 270.27d-1) requires principal underwriters and depositors to deposit and maintain funds in a segregated trust ac-

count to enable them to carry out their obligation to refund charges under sections 27(d) and 27(f) of the Act. Rule 27d-2 (§ 270.27d-2) permits an insurance company obligation as an optional alternative to the segregated trust account. Rules 27d-1 and 27d-2, as adopted, differ from Rule 27d-1 as originally proposed principally as follows:

(1) A level reserve, under which 45 percent of the excess sales load must be deposited into and 35 percent of the refundable sales load maintained in the segregated trust account, has been substituted for the proposed step rate reserve;

(2) The type of securities in which the segregated trust account may be invested has been expanded to include certain negotiable certificates of deposit;

(3) For plans under which the certificate holder may, under State law or otherwise, receive a refund of the total payments made, the 100-percent reserve obligation has been modified to apply only to plans on which \$1,000 has been paid;

(4) Computation of and adjustments in the amounts in the segregated trust account must be made at least on a monthly basis rather than on a weekly basis;

(5) A single segregated trust account may be used by one depositor or underwriter offering several contractual plans;

(6) A written undertaking of an insurance company, which meets certain qualifications, guaranteeing the performance of the obligation to refund charges may be substituted for the segregated trust account; and

(7) Specification of a 7-day limit on delays in payment of refunds has been added.

As adopted, Rule 27d-1 (§ 270.27d-1) provides that every depositor of or principal underwriter for the issuer of a periodic payment plan certificate sold subject to section 27(d) and/or section 27(f) of the Act shall deposit and maintain funds in a segregated trust account as a reserve and as security for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) of the Act. The assets of the segregated trust account may be (a) held as cash or invested in negotiable certificates of deposit issued by a bank having capital and surplus of at least \$10 million, or in government securities (except equity securities) and (b) withdrawn only as specified in the rule.

Under the rule, depositors or principal underwriters are required to deposit at least 45 percent of the excess sales load (defined as that portion of the sales load which is in excess of 15 percent of any payment) on each monthly payment made on periodic payment plan certificates sold subject to section 27(d) of the Act. For all certificates for which they are liable for the refund of any sales load they are required to maintain in the trust account an amount equal to not less than 35 percent of the refundable sales load. A schedule of the amounts which

would be required to be deposited, maintained and refunded pursuant to Rule 27d-1 on a plan requiring payments of \$100 per month is included as an appendix to this release.

On certificates sold subject to only the 45-day refund right, an amount equal to 20 percent of the charges subject to refund must be deposited and maintained in the segregated trust account, except that on plans requiring monthly payments in excess of \$100 the applicable rate is 30 percent.

If no refund is required to be made under section 27(d) (of the Act), as in the case of single payment plans and of "level load plans", i.e., plans on which the sales load does not exceed 9 percent of any payment, no amount is required to be deposited or maintained in the trust account to meet refund obligations pursuant to that section. Further, if no refund of excess sales load is required to be made within 18 months following the issuance of the certificate, the certificate need not include a provision that upon its surrender at any time within the first 18 months after its issuance the holder may receive "that portion of the excess paid for sales loading which is over 15 per centum of the gross payments made."

Principal underwriters or depositors who wish to do so may (a) limit the number of payments to be made by a certificate holder during the period for which they would be obligated to make refunds pursuant to the 45-day refund provision of section 27(f) (of the Act) and (b) deposit and maintain sufficient funds in the trust account to cover all refunds which may possibly be made during the period.

Rule 27d-1 (§ 270.27d-1) permits withdrawals from the segregated trust account to refund amounts specified in section 27(d) and section 27(f) (of the Act). The principal underwriter or depositor is also permitted to withdraw assets subject to specified limitations. The rule also provides for an accounting of the segregated trust account which must be filed with the Commission quarterly on Form N-27D-1 (17 CFR 274.127d-1) during the 2 years after the effective date of the rule and annually thereafter.

The underwriter or depositor is required to compute the amount of the reserves to be maintained and make any adjustments required at least monthly. A single consolidated segregated trust account may be used by a principal underwriter or depositor, acting as such, for more than one issuer of periodic payment plan certificates.

Rule 27d-2 (17 CFR 270.27d-2) provides an alternative to Rule 27d-1. Instead of establishing and maintaining a segregated trust account as a reserve for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) of the Act, a principal underwriter or depositor will be exempt from the requirements of Rule 27d-1 if an insurance company guarantees the performance of all of the obligations of such underwriter

or depositor to refund such charges. However, the insurance company must have capital and surplus at least equal to the larger of \$1 million or 200 percent of the amount of the principal underwriter's or depositor's total obligation to refund charges pursuant to sections 27(f) and 27(d) (of the Act) less any liability reserve established by the insurance company to meet such obligations.

Rule 27d-1 and Rule 27d-2 each require that refunds be made in cash not more than 7 days from receipt of the certificate in proper form by the custodian bank or other designated paying agent.

The Commission intends to review the reserve requirements in light of actual experience as soon as sufficient data becomes available. Such data would include numbers and frequency of payments and refunds, sales volume, aggregate indebtedness, net capital and excess net capital of principal underwriters and depositors. In order to facilitate such review the Commission may propose the filing of appropriate forms and also require the maintenance of certain records not now required to be kept.

Rule 27e-1 (17 CFR 270.27e-1). Section 27(e) (of the Act) requires that notice of the right of surrender be sent to certificate holders who have the benefit of the refund rights specified in section 27(d) (of the Act) and who miss certain payments during the first 18 months after the issuance of their certificate. Rule 27e-1 (§ 270.27e-1) specifies the method, form and contents of such notice. Under the rule as originally proposed any payment not made within 10 business days after it was due was defined as a "missed payment" whether or not an equivalent payment was made subsequently. As adopted the rule substitutes 31 calendar days for the 10 business days in the definition. Proposed Form N-27E-1 (17 CFR 274.127e-1) prescribed for use by depositors or underwriters to inform certificate holders of their right of surrender, has been modified in certain respects as adopted.

The rule (§ 270.27e-1) exempts the principal underwriter or depositor from the requirement of sending a notice to a certificate holder, if at the time the notice would be required to be mailed, no excess sales load would be payable to the certificate holder, as in the case of level load and single payment plans.

Rule 27f-1 (17 CFR 270.27f-1). Rule 27f-1 [(§ 270.27f-1)] prescribes the method form and contents of the notice and statement of charges (Notice) required by section 27(f) (of the Act) and includes a number of exemptions from section 27(f) of the Act for certain single payment and level load periodic payment plan certificates. The rule as adopted differs from that originally proposed in that the notice may be mailed together with the plan certificate, a confirmation statement and any notice required by applicable State law. It also permits the notice to be mailed by a recordkeeping agent for the issuer as well as the custodian bank, the issuer, or the

principal underwriter for or depositor of the issuer under the circumstances specified in the rule as proposed. The proposal that notices be forwarded to beneficial owners has been omitted from the rule as adopted.

Solely for purposes of section 27(f) (of the Act), a certificate holder is deemed to have "surrendered" a certificate at the time he mails it.¹ Form N-27F-1 (17 CFR 274.127f-1) is prescribed to inform certificate holders of front-end load and spread loan plans of their right of withdrawal pursuant to section 27(f) of the Act. The Commission is considering the adoption of Forms of Notice of Withdrawal Rights to holders of periodic payment plan certificates issued on single payment and level load plans, and to variable annuities subject to section 27(f) (of the Act).

Single payment and level load plan certificates upon which the total charges to be deducted from any payment do not exceed 9 percent of such payment are exempted from section 27(f) (of the Act): *Provided*, That (1) the certificate holder has the annual right to withdraw up to at least 80 percent of the value of his account not more frequently than once during a period of 12 consecutive months and not sooner than 90 days after the withdrawal to reinvest the proceeds at the then current net asset value; (2) no sales charge is imposed on reinvestment of dividends; and (3) the certificate holder is entitled to designate beneficiaries who would be entitled to the certificate in the event of his death.

Variable annuities issued by registered separate accounts and used to fund plans qualified under sections 401, 403(b), and 404(a) of the Internal Revenue Code (26 U.S.C. 401, 403(b), 404(a)) and upon which the charges deducted from any payment (exclusive of insurance charges and premium taxes) do not exceed 9 percent of such payment will be exempt from section 27(f) (of the Act) until June 14, 1972. The Commission has afforded them such a transitional period in order that insurance companies may have an opportunity to establish accounts, the assets of which are derived solely from tax qualified plans (other than section 403(b) plans) and thus exempted from the definition of investment company by section 3(c)(11) of the Act (15 U.S.C. 80a.3(c)(11)), or alternatively, to attempt to obtain any necessary rulings from the Internal Revenue Service to maintain tax qualification in light of the application of the refund obligations of sections 27(f) and 27(d) of the Act to plans issued by them upon the expiration of this period.

Section 27(c)(1) of the Act, in effect, requires that any periodic payment plan certificate (including a variable annuity) must be a redeemable security; that is, redeemable at any time at the option

¹ Of course, Rule 22c-1 (17 CFR 270.22c-1) would continue to govern computation of the redemption price.

of the holder for approximately his proportionate share of the issuer's current net assets. Section 22(e) of the Act (15 U.S.C. 80a-22(e)) prevents the right of redemption from being suspended for more than 7 days. However, in 1969 the Commission adopted rule 27c-1 (17 CFR 270.27c-1) which in effect exempted a participation in a separate account from the redeemability requirement of section 27(c) during the annuity payout period, and also adopted rule 22e-1 (17 CFR 270.22e-1) which gave similar exemptive treatment to variable annuities with respect to the redeemability requirement of section 22(e) of the Act. Notwithstanding rules 22e-1 and 27c-1, paragraph (f) of rule 27f-1 (§ 270.27f-1 (f)) requires that the holder of an immediate variable annuity be given the refund rights provided by section 27(f) (of the Act) for the longer of (1) 20 days from the mailing of the notice required by section 27(f) (of the Act) or (2) until, but not including, the day upon which the first payment is made to the certificate holder, and that such variable annuity be fully redeemable during such period. Such period may not be longer than 45 days from the mailing of the notice. To assure full redeemability during this period, the rule defines the value of the certificate holder's account as the holder's proportionate share of the issuer's current net assets without deduction of any redemption of termination charges.

Rule 27g-1 (17 CFR 270.27g-1). Section 27(g) (of the Act) permits issuers of periodic payment plan certificates to elect to be governed by the provisions of section 27(h) (of the Act) rather than by the provisions of subsections (a) and (d) of section 27 (of the Act). Rule 27g-1 (§ 270.27g-1) provides that such election shall be made by means of a written Notice of Election which must be filed as an exhibit to the company's registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.). The rule permits such a notice to be withdrawn by filing a written Notice of Withdrawal in a similar manner. However, no such Notice of Withdrawal may be filed within 12 months of a filing of a Notice of Election and no subsequent Notice of Election can be filed by the same registrant within 12 months of the filing of a Notice of Withdrawal.

Rule 27h-1 (17 CFR 270.27h-1). Section 27(h) (of the Act) provides for the sale of periodic payment plan certificates subject to a "spread load" of up to 20 percent of any payment and not more than an average of 16 percent of the first 48 payments or their equivalent. Paragraph (4) of that subsection (84 Stat. 1426) requires that the deduction for sales load on the excess payments in any month over the minimum monthly payment or its equivalent may not exceed the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent; i.e., the "trail" rate.

Rule 27h-1 (§ 270.27h-1) exempts certain payments from the requirement of section 27(h) (4) that they be at the trail rate. As adopted, the rule allows a spread

load to be charged on that portion of the first payment which equals the amount of five minimum monthly payments and on a payment or payments in any subsequent quarter of an amount equal to three minimum monthly payments. Any payments in addition to five in the first quarter or three in any other quarter would be at the trail rate. Payments of arrears and payments made out of the proceeds of completion insurance received upon the death of a certificate holder would also be made at the spread load rate.

Schedule of amounts required to be deposited and maintained in the segregated trust account on a \$100 per month periodic payment plan subject to the 18-month refund requirement of section 27(d):

Number of minimum monthly payments	Total sales ¹ load	Refundable ² sales load	Total deposits ³	Maintain ⁴
1.....	\$50	\$35	\$15.75	\$12.25
2.....	100	70	31.50	24.50
3.....	150	105	47.25	36.75
4.....	200	140	63.00	49.00
5.....	250	175	78.75	61.25
6.....	300	210	94.50	73.50
7.....	350	245	110.25	85.75
8.....	400	280	126.00	98.00
9.....	450	315	141.75	110.25
10.....	500	350	157.50	122.50
11.....	550	385	173.25	134.75
12.....	600	420	189.00	147.00
13.....	650	455	204.75	159.25
14.....	654	444	204.75	155.40
15.....	658	433	204.75	151.55
16.....	662	422	204.75	147.70
17.....	666	411	204.75	143.85
18.....	670	400	204.75	140.00
19.....	674	389	204.75	136.15
(*).....				

¹ Total sales load deducted, assuming 50 percent sales load on first 13 minimum monthly payments and 4 percent thereafter.

² Amount of sales load to be returned upon surrender.

³ Total of payments into the segregated trust account, equal to 45 percent of excess sales load on first 13 minimum monthly payments.

⁴ Minimum amount to be maintained in the segregated trust account, equal to 35 percent of refundable sales load.

* If more than 19 payments are made during the 18-month period, the total deposits will remain at \$204.75, and the minimum amount to be maintained will equal 35 percent of refundable sales load.

Commission action. Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations are amended by adding new §§ 270.27d-1, 270.27d-2, 270.27e-1, 270.27f-1, 270.27g-1, 270.27h-1, 274.127d-1, 274.127e-1, and 274.127f-1 to read as follows:

1. New §§ 270.27d-1, 270.27d-2, 270.27e-1, 270.27f-1, 270.27g-1, and 270.27h-1.

§ 270.27d-1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

(a) (1) Every depositor or principal underwriter for the issuer of a periodic payment plan certificate sold subject to section 27(d) or section 27(f) of the Act or both, shall deposit and maintain funds in a segregated trust account as a reserve and as security for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) of the Act.

(2) The assets of such trust account may be held as cash or invested only in one or more of (i) government securi-

ties as defined in section 2(a) (16) of the Act (except equity securities) or (ii) negotiable certificates of deposit issued by a bank, as defined in section 2(a) (5) of the Act and having capital and surplus of at least \$10 million: *Provided*, That no such investment may have a maturity of more than 5 years, no more than 50 percent of the assets may be invested in obligations having a maturity of more than 1 year, and certificates of deposit of a single issuer may not constitute more than 10 percent of the value of the assets in the account.

(3) Any income, gains, or losses from assets allocated to such account, whether or not realized, shall be credited to or charged against such account without regard to other income, gains, or losses of the depositor or principal underwriter.

(4) The assets of such trust account may be withdrawn only as permitted by paragraph (f) of this section and shall in no event be chargeable with liabilities arising out of any aspect of the business of the depositor or principal underwriter other than assuring the ability of the depositor or principal underwriter to refund the amounts required by such sections.

(b) For purposes of this section:

(1) "Excess sales load" on any payment is that portion of the sales load in excess of 15 percent of that payment.

(2) "Monthly payment" shall be the amount of the smallest monthly installment scheduled to be paid during the life of the plan. If payments are required or permitted to be made on a basis less frequently than monthly, an equivalent monthly payment shall be the amount determined by dividing the smallest minimum payment required or permitted in a payment period by the number of months included in such period.

(3) The assets in the segregated trust account shall be valued as follows: (i) With respect to securities for which market quotations are readily available, the market value of such securities; and (ii) with respect to other securities, fair value as determined in good faith by the depositor or principal underwriter.

(c) For every periodic payment plan certificate governed by section 27(d) (of the Act), the depositor or principal underwriter shall deposit into the segregated trust account not less than 45 percent of the excess sales load on each monthly payment or its equivalent.

(d) For all periodic payment plan certificates governed by section 27(d) (of the Act) which have not been surrendered in accordance with their terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account an amount equal to not less than 35 percent of the total refundable sales load on the payments made on those certificates. The depositor or principal underwriter shall also maintain in the segregated trust account such additional amounts as the Commission by order may require for the

depositor or principal underwriter to carry out refund obligations pursuant to sections 27(d) and 27(f) of the Act.

(e) For every periodic payment plan certificate governed by section 27(f) of the Act, and for which the depositor or principal underwriter has no obligation to refund any excess sales load pursuant to section 27(d) of the Act, the depositor or principal underwriter shall deposit and maintain during the refund period, at least the following amounts in the segregated trust account:

(1) For certificates that require monthly payments of \$100 or less, 20 percent of the difference between the gross payments made and the net amount invested;

(2) For certificates that require monthly payments in excess of \$100 and for single payment plan certificates, 30 percent of the difference between the gross payments made and the net amount invested;

(3) For certificates with respect to which the holder is entitled to receive the greater of the refund provided by section 27(f) (of the Act) or a refund of total payments and upon which a total of at least \$1,000 has been paid, 100 percent of the difference between the gross payments made and net amount invested; and

(4) Such additional amounts as the Commission by order may require to carry out the obligation to refund charges pursuant to section 27(f) of the Act.

(f) Assets may be withdrawn from the segregated trust account by each depositor or principal underwriter:

(1) To refund excess sales load to a certificate holder exercising the right of surrender specified in section 27(d) of the Act; or

(2) To refund to a certificate holder exercising the right of withdrawal specified in section 27(f) of the Act the difference between the amount of his gross payments and the net amount invested; or

(3) For any other purpose: *Provided, however,* That such withdrawal shall not reduce the segregated trust account to an amount less than the sum of (i) 130 percent of the amount required to be maintained by paragraph (d) of this section, if any, and (ii) 100 percent of that amount required to be maintained by paragraph (e) of this section, if any.

(g) The minimum amounts required to be maintained by paragraphs (d) and (e) of this section shall be computed at least monthly. Any additional deposits required by paragraphs (d) or (e) of this section shall be made immediately after such computation, and any withdrawals permitted by paragraph (f) (3) of this section may be made only at such time.

(h) Nothing in this section shall be construed to prohibit a depositor or principal underwriter, acting as such for two or more registered investment companies issuing periodic payment plan certificates, from combining in a single segregated trust account the reserves for such companies required by this section.

(i) The refunds required to be made to certificate holders pursuant to sections 27(d) and 27(f) (of the Act) shall be paid in cash not more than 7 days from the date the certificate is received in proper form by the custodian bank or such other paying agent as may be designated under the periodic payment plan.

(j) Each depositor or principal underwriter shall file with the Commission, within the appropriate period of time specified, an Accounting of Segregated Trust Account. Form N-27D-1 (§ 274.127d-1 of this chapter) is hereby prescribed as such accounting form.

NOTE: A copy of the text and instructions to Form N-27D-1 has been filed with the Office of the Federal Register. The form and instructions are contained in Investment Company Act Release No. IC-6600 which is available from the Commission upon request.

§ 270.27d-2 Insurance company undertaking in lieu of segregated trust account.

(a) Any depositor or principal underwriter for the issuer of a periodic payment plan certificate sold subject to section 27(d) or section 27(f) of the Act, or both, shall be exempt from the requirements of § 270.27d-1 if an insurance company (as defined in section 2(a)(17) of the Act) undertakes in writing to guarantee the performance of all obligations of such depositor or principal underwriter to refund charges under sections 27(d) and 27(f) of the Act and paragraph (b) of this section: *Provided, however,* That:

(1) Such insurance company at all times shall have (i) combined capital paid-up, gross paid in and contributed surplus and unassigned surplus, if a stock company, or (ii) unassigned surplus, if a mutual company, at least equal to the larger of (a) \$1 million or (b) 200 percent of the amount of the total refund obligation of the depositor or underwriter pursuant to sections 27(d) and 27(f) (of the Act) less any liability reserve established by such insurance company to meet such obligations; and

(2) Such depositor or underwriter shall file or cause to be filed with the Commission as an exhibit to the registration statement or any amendment thereto pursuant to the Securities Act of 1933 of the registered investment company issuing periodic payment plan certificates (i) a copy of such written undertaking, and any amendment thereto, (ii) an annual statement certified by a responsible officer of the insurance company indicating that at least on a monthly basis throughout its fiscal year the insurance company has met the requirements of the proviso in subparagraph (1) of this paragraph, and (iii) a Statement of Financial Condition (Balance Sheet) of the insurance company certified by an independent public accountant. Such balance sheet shall be filed at least annually, within 90 days after the close of the insurance company's fiscal year.

(b) The refunds required to be made to certificate holders pursuant to sections 27(d) and 27(f) (of the Act) shall be

paid in cash not more than 7 days from the date the certificate is received in proper form by the custodian bank or such other paying agent as may be designated under the periodic payment plan.

§ 270.27e-1 Requirements for notice to be mailed to certain purchasers of periodic payment plan certificates sold subject to section 27(d) of the Act.

(a) The notice required by section 27(e) of the Act shall be sent by first class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the surrender right described in the notice. No other written or graphic material may be included with such notice.

(b) In the event that regular payments throughout the first 18 months of the plan are required less frequently than monthly, such a notice shall be mailed to any certificate holder who has missed any payment or payments equal to or greater in amount than the amount of payments which, if missed, would have required the mailing of a notice if equal monthly payments had been required during such 15- or 18-month periods.

(c) Any payment not made within 31 days after it is due shall be deemed a missed payment whether or not an equivalent payment is made subsequently by the certificate holder.

(d) In the event any such notice is not mailed prior to 15 days before the expiration of the 18th month, the certificate holder shall have 15 days from the date such notice is mailed within which to exercise the right of surrender described therein. Nothing herein contained shall require a second notice to be mailed to any certificate holder who has been mailed a notice within 30 days following 15 months after the issuance of his certificate.

(e) Notwithstanding the requirements of section 27(e) of the Act, no notice need be mailed to a certificate holder if, at the time such notice would be required to be mailed, he would not be entitled to receive any refund of sales loading upon surrender of his certificate.

(f) Form N-27E-1 is hereby prescribed to inform certificate holders of their right to surrender their certificates pursuant to section 27(d) of the Act. The text of Form N-27E-1 is as follows:

Form N-27E-1—Notice to Periodic Payment Plan Certificate Holders of 18-Month Surrender Rights With Respect to Periodic Payment Plan Certificates.

IMPORTANT
(Date of Mailing)

Re: _____ (1)
Dear _____ (2): This notice is required to be sent to you pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.
You have missed _____ (3) after your _____ (4) plan certificate was issued. Until _____ (5) you will be entitled to surrender your plan certificate

and receive, in addition to the value of your account on the date your certificate is received, a refund of that portion of the sales charges you have paid in excess of 15 percent of the gross payments under your plan.

For example, if your certificate had been received for surrender ----- (6) you would have received a total of \$----- (7) for it (the value of your account \$----- (8) plus a refund of \$----- (9) of the sales charges you have paid). After your right expires you will be entitled to receive only the value of your account. Of course, the value of your account will vary from day to day and by the date your right expires it may be more or less than it is today.

In determining whether to exercise your right to terminate your plan, you should consider that, while the average sales charge deducted from your payments has amounted to ----- (10) percent of the total payments made, the sales charge for the remainder of the payments under the plan, if you continue the plan, will be ----- (11) and the average sales charge if you complete the plan will be ----- (12) percent. Exercising your right to terminate your plan, however, will result in a net sales charge of 15 percent of your total payments. Accordingly, if you believe you may discontinue making further payments on your plan, it would probably be to your advantage to exercise this right now.

If you wish to exercise your right to terminate your plan, you may return your certificate to ----- (13) by ----- (14) in accordance with the enclosed instructions.

Very truly yours,

(15) -----

Instructions for use of Form N-27E-1:

FORM N-27E-1 INSTRUCTIONS

General instructions:

A. The notice shall be legible and shall be printed or typed on letter-sized paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the itemized instructions below and need not be underlined or boldfaced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

Itemized instructions:

Insert the following in the corresponding numbered spaces on Form N-27E-1:

(1) The name of the plan and the account number of the certificate holder. An additional internal recordkeeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) Whichever of the following statements is appropriate: "three or more payments during the first 15 months" or "a payment after the 15th month."

(4) The name of the plan.

(5) The date of the first business day which is 18 months from the date of the issuance of the certificate or in the event such notice is not mailed prior to 15 days before the expiration of the 18th month, the date of the first business day which is 15 days from the date such notice is mailed.

(6) A date which is not more than 2 business days prior to the date of the notice.

(7) The sum of Items 8 and 9.

(8) The value of the account payable to the certificate holder if the certificate had been received on the date set forth in Item 6. In the event such certificate holder has

made a partial withdrawal in accordance with the terms of his certificate, the notice may state after the first sentence in the third paragraph that "The value of your account reflects the partial withdrawal which you made previously."

(9) The amount as of the date set forth in Item 6 which is equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the certificate holder.

(10) Average percentage deducted for sales charges to the date set forth in Item 6.

(11) The percentage to be deducted for sales charges after the date set forth in Item 6.

If the holder has made less than 12 monthly payments, the following shall be substituted for the first sentence of the third paragraph of the notice:

"In determining whether to exercise your right to terminate your plan, you should consider that, while the sales charge deducted from your payments has amounted to ----- (10) percent of the total payments made, the sales charge for the next ----- (11a) payments will be ----- (11b) percent and the sales charge for the remainder of the payments will be ----- (11c) percent. If you complete the plan, the average sales charge will be ----- (12) percent."

(11a) The number of payments yet to be made which are subject to the initial sales percentage.

(11b) The percentage to be deducted from sales charges from such payments.

(11c) The percentage to be deducted for sales charges from all subsequent payments.

(12) Average percentage to be deducted for sales charges from inception of the plan to completion.

(13) Name and address of custodian bank.

(14) Same date as in Item 5.

(15) The name of a responsible officer of the sender, with his title.

§ 270.27f-1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders and exemption from section 27(f) for certain periodic payment plan certificates.

(a) The notice and statement of charges (notice) required by section 27(f) of the Act shall be sent by first-class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the right of withdrawal described in the notice. Except for a confirmation slip, the plan certificate, and any notice required by applicable State law, no other written or graphic material may be included with such notice.

(b) The notice may be mailed by the issuer, the principal underwriter for, or the depositor of, the issuer or a record-keeping agent for the issuer if the custodian bank has delegated the mailing of the notice to any of them or the issuer has been permitted to operate without a custodian bank by Commission order.

(c) Solely for purposes of section 27(f) of the Act, the postmark date on the envelope containing the certificate shall determine whether a certificate has been surrendered within the 45-day period.

(d) Until June 14, 1972, variable annuity contracts which are issued by a registered separate account and which—

(1) Are purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code (Code), as amended, or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code; or

(2) Meet the requirements of section 403(b) of the Code;

shall be exempt from the provisions of section 27(f) of the Act; *Provided, however,* That the charges to be deducted from any payment (exclusive of insurance charges and premium taxes) do not exceed 9 percent of that payment.

(e) Any periodic payment plan certificate upon which the total charges to be deducted from any payment (exclusive of insurance charges and issue taxes) do not exceed 9 percent of any payment shall be exempt from the provisions of section 27(f) of the Act: *Provided,* That the planholder may (1) annually, not more frequently than once during a period of 12 consecutive months, withdraw up to at least 80 percent of the value of his account and, not sooner than 90 days after the withdrawal, reinvest with no sales charges the proceeds at the net asset value at the time of reinvestment; (2) reinvest dividends with no charges other than customary fees to the custodian bank; and (3) designate beneficiaries who would be entitled to the certificate in the event of the holder's death.

(f) With respect to any periodic payment plan certificate of the type defined in clause (B) of section 2(a)(27) of the Act upon which payments based upon life contingencies are required to be made within 105 days after the issuance of such certificate, the period during which the certificate holder may surrender his certificate and receive in payment thereof the value of his account and the refund of charges as required by section 27(f) shall be the longer of (1) 20 days from the mailing of the notice required by section 27(f) or (2) until, but not including, the day upon which the first payment under the periodic payment plan is made to the certificate holder; but in no event shall the period be longer than 45 days from the mailing of the notice. Any provisions of §§ 270.22e-1 and 270.27c-1 to the contrary notwithstanding, for purposes of this paragraph the "value of his account" shall mean the holder's proportionate share of the issuer's current net assets, without deduction of any redemption or termination charges.

(g) Form N-27F-1 is hereby prescribed to inform certificate holders, other than holders of plans upon which the total charges to be deducted from any payment (exclusive of insurance charges and premium taxes) do not exceed 9 percent of any payment and variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. The text of Form N-27F-1 is as follows:

Form N-27F-1—Notice to Periodic Payment Plan Certificate Holders of 45 Day Withdrawal Right with Respect to Periodic Payment Plan Certificates.

IMPORTANT

(Date of Mailing)

Re: _____ (1)

Dear _____ (2): This notice is required to be sent to you pursuant to laws administered by the U.S. Securities and Exchange Commission. You should read it carefully and retain it with your financial records.

Of the \$ _____ (3) you have paid on your _____ (4) plan \$ _____ (5) has been deducted for various charges. A total of \$ _____ (6) or _____ (7) percent of your first _____ (8) monthly payments will be deducted from those payments for similar charges. Charges of \$ _____ (9) or _____ (10) percent will be deducted from each subsequent payment. You have until _____ (11) to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for payments of \$ _____ (12) per _____ (13) over a period of _____ (14) years, or total payments of \$ _____ (15). If you made all of the scheduled payments over the full term of your plan, the total deductions would be \$ _____ (16) or an effective charge of _____ (17) percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to _____ (18) by _____ (19) in accordance with the enclosed instructions.

Very truly yours,

_____ (20)

Instructions for use of Form N-27F-1:

FORM N-27F-1 INSTRUCTIONS

General instructions.

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. Parenthetical references should be completed in accordance with the itemized instructions below and need not be underlined or boldfaced.

B. The notice shall bear the letterhead of the sender and the mailing date. An inconspicuous reference to the form number may appear on the notice.

Itemized instructions.

Insert the following in the corresponding numbered spaces on Form N-27F-1:

(1) The name of the plan and the account number of the certificate holder. An additional internal recordkeeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Plan-holder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(6) The total dollar amount of all charges

scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(7) The percentage that the total charges set forth in Item 6 are of the total payments included under Instruction 6 above.

(8) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(9) The dollar amount of the charges to be deducted from each payment made by the certificate holder after the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(10) The percentage that the amount of the charges set forth in Item 9 are of the amount of the payment included under Instruction 9 above.

(11) The date which is 45 days from the date on which the notice will be mailed.

(12) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(13) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(14) The total number of years constituting the full term of the plan.

(15) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(16) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(17) The percentage that the total charges as set forth in Item 16 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(18) The name and address of the custodian bank.

(19) The date which is 45 days from the date on which the notice will be mailed.

(20) The name of a responsible officer of the sender with his title.

§ 270.27g-1 Election to be governed by section 27(h).

(a) If any registered investment company which issues or intends to issue a periodic payment plan certificate chooses to be governed by the provisions of section 27(h) (of the Act) rather than the provisions of sections 27(a) and (d) (of the Act), it shall signify such choice by filing with the Commission as an exhibit to its registration statement filed under the Securities Act of 1933 a written Notice of Election to be so governed.

(b) Any registered investment company issuing periodic payment plan certificates which has elected, in accordance with paragraph (a) of this section, to be governed by the provisions of section 27(h) of the Act may thereafter withdraw such election by filing with the Commission, in the manner specified for filing a Notice of Election, a written Notice of Withdrawal of Election; *Provided, however*, That no such withdrawal of election shall be made within 12 months of an election by such company under paragraph (a) of this section and, provided further that such company may not thereafter elect to be governed by the provisions of section 27(h) (of the Act) until an additional 12-month period has elapsed.

§ 270.27h-1 Exemptions from section 27(h) (4) for certain payments.

(a) For purposes of this section and section 27(h) (4) of the Act (1) "minimum monthly payment, or its equivalent," shall be the amount of the smallest monthly installment scheduled to be made during the life of the plan; and (2) "quarter" shall be the 3-month period which commences on the date a periodic payment plan is issued and each 3-month period thereafter.

(b) The provisions of section 27(h) (4) (of the Act) shall not apply to:

(1) That portion of the first payment on a periodic payment plan certificate which equals the amount of five minimum monthly payments; *Provided, however*, That the deduction for sales load on any other payments received during the first quarter after the issuance of the certificate may not exceed the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent;

(2) A payment or payments received in any subsequent quarter which equals the amount of three minimum monthly payments; *Provided, however*, That after an amount equivalent to three minimum monthly payments (not including payments of arrears) is received in any such subsequent quarter the deduction for sales load on any additional payments received in such quarter may not exceed the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent;

(3) Payments of arrears by a certificate holder who is delinquent in his payments; and

(4) Any payments made on a periodic payment plan certificate out of the proceeds of completion insurance received upon the death of the certificate holder.

§§ 274.107-274.126 [Reserved]

II. Sections 274.107 to 274.126 [Reserved].

III. New §§ 274.127d-1, 274.127e-1 and 274.127f-1.

§ 274.127d-1 Form N-27D-1, accounting of segregated trust account.

This form shall be completed and filed with the Commission as a report required by § 270.27d-1 of this chapter by each depositor or principal underwriter, within 15 days after the close of each quarter during the first 2 years after the effective date of § 270.27d-1 of this chapter, and thereafter this form shall be filed annually on or before January 31 of the following calendar year. The first such form shall be filed not later than October 22, 1971.

NOTE: Copies of this form have been filed with the Office of the Federal Register and additional copies may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

§ 274.127e-1 Form N-27E-1, notice to periodic payment plan certificate holders of 18-month surrender rights with respect to periodic payment plan certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter

for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see paragraph (f) of § 270.27e-1 of this chapter.

§ 274.127f-1 Form N-27F-1, notice of periodic payment plan certificate holders of 45-day withdrawal right with respect to periodic payment plan certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see paragraph (g) of § 270.27f-1 of this chapter.

The Commission, having considered the necessity of adopting rules as soon as possible which would enable registered investment companies to operate under those provisions of section 27 which became effective on June 14, 1971, taking into account the views and comments received with respect to the proposal as set forth in Investment Company Act Release No. 6493 (April 29, 1971) and the oral statements given at the Public Conference held by the Commission on May 28, 1971, finds that good cause exists for declaring the foregoing rules effective as soon as practicable, and that further notice and public procedure under 5 U.S.C. 553 are impracticable and contrary to public interest. Accordingly, the Commission action is declared effective July 12, 1971, except that for periodic payment plan certificates issued on and after June 14, 1971, through July 11, 1971, (1) paragraph (c) of Rule 27d-1, relating to amounts to be deposited in the segregated trust account, shall not apply to any payments made on such certificates before July 12, 1971, (2) paragraph (d) of Rule 27d-1, relating to amounts to be maintained in the segregated trust account shall take effect with respect to such certificates as at the close of business on July 30, 1971, (3) paragraph (e) of Rule 27d-1 as it relates to amounts to be deposited shall not apply to any payments made on such certificates before July 12, 1971, and (4) paragraph (e) of Rule 27d-1 as it relates to amounts to be maintained shall take effect with respect to such certificates as at the close of business on July 30, 1971.

(Secs. 6(c), 38(a), 27(d), 27(e), 27(f), 54 Stat. 800, 841, 84 Stat. 1424, 1425; 15 U.S.C. 80a-6(c), 80a-37(a), Public Law 91-547)

By the Commission, July 2, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9904 Filed 7-14-71;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 8524 of the FEDERAL REGISTER of May 7, 1971, there was published a notice of proposed rule making to revise the minimum wage rates at 20 CFR 602.10b(a)(1). Interested persons were given 15 days in which to file written statements of data, views or arguments regarding the proposed amendment. After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted without change and is set forth below.

As a delay in the implementation of the rate determinations incorporated in this amendment would be contrary to the public interest and as there was a full participation in the rule making process, I do not believe that any further delay would serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (7-15-71) and the wage rates will be applicable to certifications made subsequent to the effective date of this amendment.

(8 U.S.C. 1184; 8 CFR 214.2(h))

Signed at Washington, D.C., this 6th day of July 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b reads as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State	Rate
Connecticut	\$1.93
Florida	1.73
Maine	1.95
Massachusetts	1.91
New Hampshire.....	2.05
New York.....	1.97
Rhode Island.....	1.89
Vermont.....	2.05
Virginia	1.83
West Virginia.....	1.81

[FR Doc.71-10039 Filed 7-14-71;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

CHLORTETRACYCLINE, PROCAINE PENICILLIN, AND SULFATHIAZOLE

The Commissioner of Food and Drugs has evaluated a new animal drug application (39-077V) filed by Diamond Shamrock Chemical Co. (formerly known as Nopco Chemical Co.), 60 Park Place, Newark, N.J. 07101, proposing the safe and effective use of a drug containing chlortetracycline, penicillin, and sulfathiazole in swine feed for increased rate of weight gain and improved feed efficiency. The application is approved.

The Commissioner concludes that a regulation should be established to provide a tolerance for residues of sulfathiazole in the edible tissues of swine treated with this drug. Tolerances for residues of chlortetracycline and penicillin resulting from similar usage have been previously established. The Commissioner further concludes that the regulations should be amended to provide for exempting the combination drug from the antibiotic certification requirements.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347 and 350-51; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135e, 135g, and 144 are amended as follows:

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The following new section is added to Part 135e:

§ 135e.58 Chlortetracycline, procaine penicillin, and sulfathiazole.

(a) *Specifications.* (1) Chlortetracycline is the antibiotic substance produced by growth of *Streptomyces aureofaciens* or the same antibiotic substance produced by any other means and, for the purpose of this section, refers to chlortetracycline or feed grade chlortetracycline as the specified salt.

(2) Procaine penicillin is the procaine salt of the antibiotic substance produced by the growth of *Penicillium notatum* or *Penicillium chrysogenum* or the same antibiotic substance produced by any other means and, for the purposes of this section, refers to procaine penicillin or feed-grade procaine penicillin.

(3) Sulfathiazole is the chemical N'-2-thiazolyl-sulfanilamide.

(4) The antibiotic activities authorized are expressed in this section in terms of the weight of the appropriate antibiotic standards.

(b) *Approvals.* Premix level of 20 grams of chlortetracycline hydrochloride per pound, 20 grams of sulfathiazole per pound, and procaine penicillin equivalent in activity to 10 grams of penicillin per pound has been granted; for sponsor see Code No. 025 in § 135.501 (c) of this chapter.

(c) *Assay limits.* Finished feed must contain not less than 70 percent nor more than 130 percent of labeled amount of chlortetracycline and procaine pen-

icillin and not less than 80 percent nor more than 120 percent of labeled amount of sulfathiazole.

(d) *Special considerations.* Finished feeds conforming to the requirements of this section are exempt from the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(e) *Related tolerances.* See §§ 135g.8, 135g.12, and 135g.73 of this chapter.

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Chlortetracycline.	100	Penicillin..... + Sulfathiazole.....	50 100	For swine raised in confinement (dry-lot) or on limited pasture; withdraw 7 days prior to slaughter, as procaine penicillin and chlortetracycline hydrochloride, as follows:	For increased rate of weight gain and improved feed efficiency in animals up to 6 weeks postweaning. For increased rate of weight gain in animals from 6 to 16 weeks postweaning.
Minimum amount of medicated ration which the animal should consume					
		Type of feed	Approximate body weight in pounds	Minimum desired daily feed intake in pounds	
		Prestarter (up to 6 weeks postweaning).....	20	1	
		Starter (up to 6 weeks postweaning).....	50	1½	
		Grower (6-16 weeks postweaning).....	80	2	
		Finisher (6-16 weeks postweaning).....	150	3	

slightly yellow, odorless, fine powder which is freely soluble in water. It is so purified and dried that:

(i) Its potency is not less than 390 micrograms of colistin base equivalent per milligram. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of colistin base equivalent that it is represented to contain.

(ii) It is sterile.
(iii) It passes the safety test.
(iv) It is nonpyrogenic.
(v) Its loss on drying is not more than 9.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 9.0. If it is packaged for dispensing, its pH is not less than 6.0 and not more than 8.0 when reconstituted as directed in the labeling.

(vii) It gives a positive identity test for sodium colistimethate.

(viii) Its residue on ignition is not less than 24.8 percent and not more than 28.8 percent.

(ix) Its heavy metals content is not more than 30 parts per million.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, identity, residue on ignition, and heavy metals.

(ii) Samples required:
(a) If the batch is packaged for repackaging or for use in the manufacture of another drug:

(1) For all tests except sterility: 10 containers, each containing approximately 500 milligrams.

(2) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 12 vials or if each vial contains less than 150 milligrams of colistimethate, a minimum of 60 vials.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: If the batch is packaged for repackaging or for use in manufacturing another drug, dissolve an accurately weighed sample in 2 milliliters of sterile distilled water and further dilute with sufficient 10-percent potassium phosphate buffer, pH 6.0 (solution 6), to give a stock solution of convenient concentration. If it is packaged for dispensing, reconstitute as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if the container is represented as a single dose

Dated: July 7, 1971.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.71-9910 Filed 7-14-71;8:45 am]

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

2. Part 135g is amended by adding the following new section:

§ 135g.73 Sulfathiazole.

A tolerance of 0.1 part per million is established for negligible residues of sulfathiazole in the uncooked edible tissues of swine.

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

3. Part 144 is amended by revising § 144.26(b) (55) to read as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

(b) * * *
(55) It is a medicated swine feed containing a combination of chlortetracycline, penicillin, and sulfamethazine, or sulfathiazole in the amounts and for the purposes indicated in § 121.208 or § 135e.58 of this chapter, and its labeling bears adequate directions and warnings for such use.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-15-71).

(Sec. 512 (1) and (n), 82 Stat. 347 and 350-51; 21 U.S.C. 360b (1) and (n))

PART 148c—COLISTIN

Sterile Sodium Colistimethate

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of April 24, 1971 (36 F.R. 7752), proposing that § 148c.4 concerning sterile sodium colistimethate be revised (1) to raise the minimum potency requirement, (2) to delete the histamine requirement, and (3) to add limits for residue on ignition. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148c.4 is revised to read as follows:

§ 148c.4 Sterile sodium colistimethate.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sodium colistimethate is the sodium salt of a kind of colistin methane sulfonate or a mixture of two or more such salts. It is a white to

container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute the stock solution with solution 6 to the reference concentration of 1.0 microgram of colistin base equivalent per milliliter (estimated).

(2) *Sterility*. Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens*. Proceed as directed in § 141.4(b) of this chapter, using a solution containing 10 milligrams of colistin base equivalent per milliliter.

(4) *Safety*. Proceed as directed in § 141.5 of this chapter.

(5) *Loss on drying*. Proceed as directed in § 141.501(b) of this chapter.

(6) *pH*. Proceed as directed in § 141.503 of this chapter, using a 1-percent aqueous solution prepared in the following manner: Weigh accurately 0.5 gram of sample and transfer to a 125-milliliter Erlenmeyer flask. Add 50 milliliters of freshly boiled distilled water, stopper, and shake until the sample is in solution. Allow to stand for one-half hour before determining the pH. If it is packaged for dispensing, use of the solution obtained after reconstituting the drug as directed in the labeling.

(7) *Identity*. To about 20 milligrams of sample, add 2.0 milliliters of pH 7.0 buffer (prepared by adding 29.63 milliliters of 1N sodium hydroxide to 50 milliliters of 1M potassium dihydrogen phosphate, adjusting to pH 7.0 if necessary, and diluting to 100 milliliters with distilled water) and 0.2 milliliter of a 0.5 percent aqueous triketohydrindene hydrate solution. When heated for about 2 minutes, no pink color results. To another 20 milligrams of sample, add 2.0 milliliters of diluted hydrochloric acid U.S.P., heat to boil, and boil gently for 2 minutes. Neutralize with 10 percent sodium hydroxide to approximately pH 7 (indicator paper), add 2.0 milliliters of pH 7.0 buffer and 0.2 milliliter of a 0.5 percent aqueous triketohydrindene hydrate solution. Heat over an open flame for 2 minutes. A purple color is produced.

(8) *Residue on ignition*. Proceed as directed in § 141.510(b) of this chapter.

(9) *Heavy metals*. Proceed as directed in § 141.511 of this chapter.

Effective date. This order shall become effective 30 days after its date of FEDERAL REGISTER publication.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 7, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[PR Doc.71-10014 Filed 7-14-71; 8:48 am]

PART 149b—AMPICILLIN

Ampicillin Chewable Tablets

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 149b to provide for certification of the subject antibiotic drug:

§ 149b.18 Ampicillin chewable tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Each ampicillin chewable tablet contains 125 milligrams of ampicillin with suitable binders, lubricants, flavorings, and colorings. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its loss on drying is not more than 3 percent. The ampicillin used conforms to the standards prescribed by § 146a.123(a) of this chapter.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(a) The ampicillin used in making the batch for potency, safety, loss on drying, pH, ampicillin content, crystallinity, and identity.

(b) The batch for potency and loss on drying.

(ii) *Samples required*:

(a) The ampicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of 30 tablets.

(b) *Tests and methods of assay*—(1) *Potency*. Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay*. Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay*. Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Loss on drying*. Proceed as directed in § 141.501(a) of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for certification of this drug have been complied

with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (7-15-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 7, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[PR Doc.71-10013 Filed 7-14-71; 8:48 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

[Docket No. R-71-109]

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

PART 1933—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Miscellaneous Amendments

On July 1, 1971, the rules governing the Federal Crime Insurance Program (24 CFR Parts 1930-1934) were published in the FEDERAL REGISTER at 36 F.R. 12517, effective August 1, 1971. The following corrections are made in Part 1931 and Part 1933:

1. In paragraph (b) of § 1931.1, the implementation date immediately preceding the list of eligible States is corrected to read "August 1, 1971".

2. In the table in subparagraph (3) of paragraph (b) of § 1933.25, the multiplier for applicants in Category IX whose gross receipts are \$2 million or over is corrected to read "2.00".

CHARLES W. WIECKING,
Acting Federal
Insurance Administrator.

[PR Doc.71-10028 Filed 7-14-71; 8:49 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Miscellaneous Amendments

On Saturday, May 22, 1971, there was published and promulgated in the FEDERAL REGISTER (36 F.R. 9364), Part 77—Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas

of Underground Coal Mines—of Title 30 of the Code of Federal Regulations. It was provided that Part 77 shall become effective on July 1, 1971. As published, certain provisions required an action to be performed "on or before June 30, 1971," a date preceding the effective date of the Part 77. Inasmuch as the revisions set forth below are for the purpose of correcting errors, are technical in nature and relieve a restriction and for the further reason that Part 77 will become effective on July 1, 1971, Part 77 is revised as set forth below.

W. T. PECORA,
Acting Secretary of the Interior.

JULY 9, 1971.

Part 77—Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines—of Title 30, Code of Federal Regulations, Subchapter O—Coal Mine Health and Safety is revised as follows:

Section 77.104 is revised by deleting the reference to "§ 77.104" in the second line and substituting in lieu thereof "§ 77.704."

Section 77.107-1 is revised by deleting the words in the first line reading "On or before June 30, 1971," and substituting in lieu thereof the words "On or before September 30, 1971."

Section 77.214 is revised by deleting the date of "June 30, 1971," in the second line and substituting in lieu thereof the date of "July 1, 1971."

Section 77.300 is revised by deleting the date of "June 30, 1971," in the first line and substituting in lieu thereof the date of "July 1, 1971."

Section 77.1101 is revised by deleting the date of "June 30, 1971," in the first line of paragraph (a) and substituting in lieu thereof the date of "September 30, 1971."

Section 77.1108 is revised by deleting the date of "June 30, 1971," in the first line and substituting in lieu thereof the date of "September 30, 1971."

Paragraph (c) of § 77.1702 is revised by deleting the date of "June 30, 1971," in the second line and substituting in lieu thereof the date of "September 30, 1971."

Section 77.1705 is revised by deleting the date of "January 1, 1971," in the first line and substituting in lieu thereof the date of "January 1, 1972."

Section 77.1708 is revised by deleting the words "On and after June 30, 1971," in the first line and substituting in lieu thereof the words "On or before September 30, 1971," and by deleting the word "promulgated" in the ninth line and substituting in lieu thereof the words "and procedures established."

Section 77.1710 is revised by deleting the date of "June 30, 1971," in the first line and substituting in lieu thereof the date of "July 1, 1971."

[FR Doc. 71-10066 Filed 7-14-71; 8:51 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

PART 169—POST OFFICE BOXES

Post Office Box Rental Fees

Correction

In F.R. Doc. 71-9580 appearing at page 12833 in the issue for Thursday, July 8, 1971, make the following changes: On page 12834 in the second table, the figure in column 5, opposite "Per semester" should read "\$2.90" and the figure in column 5, opposite "Per quarter" should read "\$1.95".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8-12—LABOR

Labor Standards in Construction Contracts

1. In § 8-12.404-2, paragraph (d) is amended and paragraph (e) is added so that the amended and added material reads as follows:

§ 8-12.404-2 Wage determinations.

(d) Where a construction project calls for a wage schedule that is applicable to only one type of construction, it is incumbent upon the contracting officer to submit his request to the address shown in paragraph (e) of this section, in sufficient detail to assure that the determination that is issued relates only to construction in question. If a general wage determination is used which contains more than one schedule, the invitation for bids shall, in clear, concise language, designate the particular wage schedule that is considered applicable to the contract work.

(e) Requests for wage determinations (Department of Labor Form DB-11) will be submitted to:

Director, Office of Government Contracts
Wage Standards, Workplace Standards Administration, U.S. Department of Labor,
Washington, D.C. 20210.

When assistance or advice is required by a contracting officer concerning the status of a request for wage determinations, he will submit a request for such assistance to the Director, Supply Service, by any convenient method. Direct contact with the Washington office of the Department of Labor for this purpose is not authorized.

2. In § 8-12.404-3(b), subparagraphs (4) and (5) are amended to read as follows:

§ 8-12.404-3 Additional classifications.

(b) Upon receipt of this information, the contracting officer will:

(4) If he and the contractor cannot agree on the proper classification or reclassification and rate, request advice and assistance from the Director, Supply Service, prior to submitting the problem to the Department of Labor. Should the problem still remain unresolved it will be submitted to the address shown in § 8-12.404-2(e) for final determination.

(5) Advise the contractor by letter and report the action taken to the address shown in § 8-12.404-2(e), if the proposed additional classification or reclassification and wage rate are approved by him. When approved by him, it may be assumed, for the purpose of checking payrolls, that the classification and rate are satisfactory unless otherwise advised by the Department of Labor. If a correction or objection is received from the Department of Labor, a proper adjustment will be necessary.

3. In § 8-12.404-7, paragraphs (c) and (d) are amended and paragraphs (e) and (f) are added so that the added and amended material reads as follows:

§ 8-12.404-7 Investigations.

(c) For convenience in computing underpayments and the number of violations of the Contract Work Hours and Safety Standards Act, U.S. Department of Labor Form SOL-164 is provided for use on an optional basis. The form may be obtained as required from the Forms and Publications Depot in the usual manner.

(d) When a routine review, conducted by a representative of the contracting officer, indicates that there is a need for a more thorough investigation, the contracting officer will request that a special investigation be conducted. He will submit his request, together with the material which he believes justifies an investigation, to the appropriate regional or district office of the Department of Labor with an information copy to the Director, Supply Service.

(e) The Department of Labor, acting upon its own initiative, or upon complaints received, may institute an investigation for compliance with the labor standards provisions of the contract. Where such investigations involve contracts of the Veterans' Administration continuing provisions of the Davis-Bacon Act and the Contract Work Hours and Safety Standards Act, the contracting officer or the Director, Supply Service, will be contacted by the Department of Labor. In such cases, the individual making the contact will be requested to make a concurrent investigation of all the labor standards provisions of any

Veterans' Administration contract held by the specific contractor. Where the contact is made at the station level, the Director, Supply Service, will be promptly informed by telephone or telegraph so that any needed advice and guidance may be furnished to the contracting officer. If the contact is made at the Central Office level, the contracting officer will be informed and advised as to the appropriate action to be taken.

(f) Whenever an investigation is requested by the contracting officer, or initiated by the Department of Labor, the contracting officer will inform the contractor that in accordance with the terms and conditions of his contract funds are being withheld from payments due him to cover possible labor compliance violations and that he (the contractor) will be informed as the facts are developed.

4. Section 8-12.404-8 is added to read as follows:

§ 8-12.404-8 Reports of violations.

(a) *Reports of periodic reviews by contracting officers.* (1) Each nonwillful violation, not involving the Contract Work Hours and Safety Standards Act, on which the contracting officer has secured corrective action through restitution of underpayments of \$500 or more will be reported to the Director, Supply Service, for transmittal to the Department of Labor. Reports of restitution of underpayments of less than \$500, which were nonwillful, will not be made the subject of a special report but will be included in the Semiannual Enforcement Report.

(2) Each nonwillful violation involving the Contract Work Hours and Safety Standards Act, which has been corrected, but which requires the assessment of liquidated damages, will be reported to the Director, Supply Service. The contracting officer, based upon the facts in the case, shall submit with his report a recommendation that the contractor be or not be relieved of this liability.

(b) *Reports of special investigations.* (1) Reports of investigations conducted by the Department of Labor are submitted by the Washington office of that department to the Director, Supply Service. After review by the Supply Service (and except as provided in subparagraph (2) of this paragraph) the report will be furnished to the contracting officer concerned for necessary action together with such advice and guidance as may be indicated.

(2) If the investigation report indicates possible violations of a criminal nature, the Director, Supply Service, will forward the report to the General Counsel for consideration of submission to the Department of Justice. In the event the case is submitted to the Department of Justice, the contracting officer and the Department of Labor will be so advised by the Director, Supply Service.

(3) The contracting officer will review the report of investigation and complete the actions indicated therein. He will submit to the Director, Supply Service,

a report of the actions he has taken together with his recommendations as to the assessment of liquidated damages and/or the imposition of sanctions. The Director, Supply Service, will, after reviewing this report, submit to the Department of Labor a report of the actions taken together with his recommendations for any suggested actions to be taken by that agency.

(4) The reports referred to in this paragraph (b) are exempt from reports control.

(5) Section 8-12.404-9 is revised to read as follows:

§ 8-12.404-9 Suspension and deduction of contract payments.

(a) When funds have been ordered suspended by the contracting officer in accordance with the provisions of FPR 1-12.404-9, the contractor will be so advised. Questions raised by the contractor, as a result of this action, that involve the application and interpretation of the provisions of Subtitle A, Title 29, Code of Federal Regulations, will be referred by the contracting officer to the Director, Supply Service, for submission to the Secretary of Labor in accordance with § 5.12, Title 29, Code of Federal Regulations. The interpretation of the Secretary of Labor will be transmitted to the contracting officer by the Director, Supply Service. The contracting officer will, when required, render to the contractor his final decision and advise him of his appeal rights in accordance with § 8-1.318-1.

(b) When liquidated damages have been assessed by the contracting officer under the labor standards provisions of the contract and the contractor protests either that the sum determined is incorrect or that the violations were inadvertent notwithstanding the exercise of due care, he will be advised of his right to appeal this action to the Administrator under the provision of section 104(c) of the Contract Work Hours and Safety Standards Act. He will be informed that the appeal must be taken under this section and not under the disputes clause of the contract. If the protest is made orally to the contracting officer, the contractor will be advised to submit his appeal, in writing, within 60 days after receipt of the contracting officer's decision. Should the protest be in writing, however, the letter of protest will be treated as an appeal. In each instance, the written protest or appeal will be forwarded to the Director, Supply Service, for further action. The contractor and contracting officer will be advised as to the final disposition of the appeal and the contract file documented accordingly.

(c) When funds have been suspended and the contractor does not make restitution within a reasonable time, or refuses or is unable to do so, the contracting officer will advise the fiscal officer to dispose of the funds withheld in accordance with chapter 7, title 4, General Accounting Office Manual.

6. Section 8-12.404-11 is added to read as follows:

§ 8-12.404-11 Contract terminations.

(a) Prior to terminating any contract because of violations of the labor standards provisions of the contract, the contracting officer will, through the Director, Supply Service, present the facts in detail to the General Counsel for review. The contracting officer will be advised by the Director, Supply Service, as to the recommended action to be taken.

(b) If the contract is to be terminated the Director, Supply Service, will submit the reports required by FPR 1-12.404-11.

7. In § 8-12.404-13, the headnote is amended to read as follows:

§ 8-12.404-13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours and Safety Standards Act.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective August 31, 1971.

Approved: July 8, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc. 71-10050 Filed 7-14-71; 8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5083]

[Sacramento 1673]

CALIFORNIA

Withdrawal of Lands From Mineral Entry and Mineral Leasing for the Protection of Buchanan Dam and Reservoir Project

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

Subject to valid existing rights, the following described patented lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws for protection of facilities of the Buchanan Dam and Reservoir Project:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 18 E.,
Sec. 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 332.50 acres in Mariposa County.

The lands were patented pursuant to the Act of December 29, 1916, 39 Stat. 862, as amended, 43 U.S.C. § 291 (1964), with a reservation of all the minerals to the United States, under jurisdiction of the Secretary of the Interior.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 7, 1971.

[FR Doc.71-10067 Filed 7-14-71;8:52 am]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Season for the Virgin Islands

There was published in the FEDERAL REGISTER of May 11, 1971, on page 8677 (36 F.R. 8677) a notice of proposed rule making to issue regulations governing the hunting of doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico, and of doves in the Virgin Islands. The taking of the designated species of migratory game birds is presently prohibited in the Virgin Islands.

All interested persons were invited to submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240.

Federal hunting regulations for Puerto Rico were published in the FEDERAL REGISTER of June 24, 1971 (36 F.R. 12017) as amendments to Title 50, Code of Federal Regulations, § 10.52 (a) and (b). That publication also explained that regulations for hunting migratory game birds in the Virgin Islands were not being prescribed at that time.

The Director has determined that Federal regulations for the Virgin Islands should now be prescribed.

Accordingly, Title 50, Chapter I, Subchapter B, Part 10, § 10.52, paragraph (c), Code of Federal Regulations is amended to read:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and Virgin Islands.

(c) Virgin Islands.

Zenaida doves

Daily bag limit ----- 10.
Possession limit ----- 10.
Open season dates¹... July 17 to September 30, 1971.
Shooting hours ----- One-half hour before sunrise until sunset daily.

Check territorial regulations for additional restrictions.

¹ The season is closed on all species of game birds in the Virgin Islands except Zenaida doves.

NOTE: Local names for game birds: Zenaida dove (*Zenaida aurita*) Mountain dove; Bridled Quail Dove (*Geotrygon mystacea*)—Perdiz; Barbara dove (Protected). Ground dove (*Columbigallina passerina nigriristris*)—Stone dove, Tobacco dove, Rola, Tortolita (Protected).

(40 Stat. 755, 16 U.S.C. 703 et sec.)

Effective date. Upon publication in the FEDERAL REGISTER (7-15-71).

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

JULY 12, 1971.

[FR Doc.71-10058 Filed 7-14-71;8:51 am]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Clarence Cannon National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

MISSOURI

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Clarence Cannon National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to hunting. The open area, comprising 3,746 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of white-tailed deer with bow and arrow, subject to the following conditions:

(1) The open season for hunting deer on the refuge is from October 1, 1971, through October 31, 1971, inclusively.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through October 31, 1971.

JAMES F. GILLETT,
Refuge Manager, Clarence Cannon National Wildlife Refuge, Annada, Mo.

MAY 10, 1971.

[FR Doc.71-9959 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with bow and arrow on the Mark Twain National Wildlife Refuge, Ill., Gardner Division, is suspended for the 1971 season. Floods in late February and early March inundated the island refuge area and resulted in a shortage of deer on the public hunting area.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9960 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designated by signs as open to hunting. This open area, comprising 2,249 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1, 1971, through October 17, 1971, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9961 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Calhoun Division designated by signs as open to hunting. This open area, comprising 5,050 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from August 1, 1971, through October 17, 1971 inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9962 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Gardner Division designated by signs as open to hunting. This open area, comprising 4,200 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1971, through October 17, 1971, inclusive.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Mark Twain National Wildlife Refuge headquarters, Quincy, Ill.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1971.

JULY 8, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy Ill.

[FR Doc.71-9963 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

ILLINOIS

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of black, gray, and fox squirrels on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Keithsburg Division designated by signs as open to hunting. This open area comprising 1,296 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from September 1, 1971 through October 17, 1971, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9964 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1972.

JAMES F. GILLETT,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Illinois.

JULY 8, 1971.

[FR Doc.71-9965 Filed 7-14-71;8:45 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (7-15-71).

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Mark Twain National Wildlife Refuge, Iowa, is permitted only on the areas known as the Big Timber Division and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas, comprising 1,660 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas

generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until March 1, 1972.

JAMES F. GILLET,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9966 Filed 7-14-71;8:45 am]

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge,
Ill.

In F.R. Doc. 70-15895, appearing on Page 18119 of the issue for Thursday, November 26, 1970, Volume 35, No. 230, paragraphs 1, 2, and 3 should read as follows:

(1) The open season for sport fishing on the Calhoun and Batchtown Divisions of Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 17, 1971, with the exception of certain designated areas open until December 31, 1971.

(2) The open season for sport fishing on the Keithsburg Division of Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 17, 1971.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 17, 1971.

JAMES F. GILLET,
Refuge Manager, Mark Twain
National Wildlife Refuge,
Quincy, Ill.

JULY 8, 1971.

[FR Doc.71-9967 Filed 7-14-71;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 24]

REFUND OF EXCESS DUTIES AND TAXES

Proposed Provision for Refund to Surety on Bond

Notice is hereby given that under the authority of section 251 of the Revised Statutes, as amended (19 U.S.C. 66) and section 520 of the Tariff Act of 1930, as amended (19 U.S.C. 1520), it is proposed to amend § 24.36(b) of the Customs regulations (19 CFR 24.36(b)).

Section 24.36(b) provides for the refund of excessive duties and taxes paid which are found to be due on liquidation or reliquidation of an entry. No provision is made for refund to a surety who upon default of the principal has made payments of duties and taxes under the obligation of its bond. The amendment proposed will permit amounts paid by the surety under these circumstances to be refunded to the surety.

The proposed amendment of § 24.36(b) is set forth in tentative form as follows:

§ 24.36 Refunds of excessive duties, taxes, etc.^a

(b) Refunds of excessive duties or taxes shall be certified for payment to the importer of record unless a transferee of the right to withdraw merchandise from bonded warehouse is entitled to receive the refund under section 557 (b), Tariff Act of 1930, as amended, or an owner's declaration has been filed in accordance with section 485(d), Tariff Act of 1930, or a surety submits evidence of payment to Customs, upon default of the principal, of amounts previously determined to be due on the same entry or transaction. The certification of a refund for payment to a nominal consignee may be made prior to the expiration of the 90-day period within which an owner's declaration may be filed as prescribed in section 485(d) of the tariff act, provided the nominal consignee waives in writing his right to file such declaration. If an owner's declaration has been duly filed, the refund shall be certified for payment to the actual owner who executed the declaration, except that, irrespective of whether an owner's declaration has been filed, refunds shall be certified for payment to a transferee provided for in section 557(b), Tariff Act of 1930, as amended, if the moneys with respect to which the refund was allowed were paid by such transferee. If a surety submits evidence of payment to Customs, upon default of the principal, for an amount previously determined to be due on an entry or transaction the refund

shall be certified to that surety up to the amount paid by it.

Prior to final adoption of the proposed amendment, consideration will be given to any data, views, or arguments relevant thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226. To assure consideration of such submissions they must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 30, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc. 71-10072 Filed 7-14-71; 8:53 am]

Internal Revenue Service

[26 CFR Part 1]

TRANSFERS OF FRANCHISES, TRADEMARKS, AND TRADE NAMES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 16, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 16, 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 section 516 (c) and (d) (3) of the Tax Reform

Act of 1969 (83 Stat. 647, 648), relating to transfers of franchises, trademarks, and trade names, such regulations are hereby amended as set forth below. Section 1.1253-3 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 516(d) (3) of such Act, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. Section 1.162 is amended by revising section 162(h) and the historical note to read as follows:

§ 1.162 Statutory provisions; trade or business expenses.

Sec. 162. Trade or business expenses. * * *

(h) Cross reference—(1) For special rule relating to expenses in connection with subdividing real property for sale, see section 1237.

(2) For special rule relating to the treatment of payments by a transferee of a franchise, trademark, or trade name, see section 1253.

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (77 Stat. 1608); sec. 7(b) and 8, Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002, 1003); sec. 3(a), Rev. Act 1962 (76 Stat. 973); sec. 516(c) (2) and 902(a), Tax Reform Act 1969 (83 Stat. 648, 710).]

PAR. 2. Section 1.162-16 is revised to read as follows:

§ 1.162-16 Cross references.

(a) For special rules relating to expenses in connection with subdividing real property for sale, see section 1237 and the regulations thereunder.

(b) For special rules relating to the treatment of payments made by a transferee of a franchise, trademark, or trade name, see section 1253 and the regulations thereunder.

PAR. 3. Section 1.461-1 is amended by revising paragraph (a) (3) (iii) to read as follows:

§ 1.461-1 General rule for taxable year of deduction.

(a) General rule. * * *

(3) Other factors which determine when deductions may be taken. * * *

(iii) For special rules relating to certain deductions, see the following sections and the regulations thereunder: Section 165(e), relating to losses resulting from theft; section 165(h), relating to an election of the year of deduction of disaster losses; section 1253(d), relating to the deductibility of payments made by the transferee of a franchise, trademark, or trade name; section 1341, relating to the computation of tax where the taxpayer repays a substantial amount received under a claim of right in a prior taxable year; and section 1481, relating to accounting for amounts repaid in connection with renegotiation of a government contract.

PAR. 4. Section 1.1016 is amended by revising paragraphs (10), (18), and (20) of section 1016(a), by adding paragraphs (21) and (22) to section 1016(a), and by revising section 1016(c) and the historical note as follows:

§ 1.1016 Statutory provisions: adjustments to basis.

Sec. 1016. *Adjustments to basis*—(a) *General rule.*

(10) For amounts allowed as deductions as deferred expenses under section 615(b) (relating to certain pre-1970 exploration expenditures) and resulting in a reduction of the taxpayer's taxes under this subtitle but not less than the amounts allowable under such section for the taxable year and prior years:

(18) To the extent provided in section 1376 in the case of stock of, and indebtedness owing, shareholders of an electing small business corporation (as defined in section 1371(b));

(20) To the extent provided in section 961 in the case of stock in controlled foreign corporations (or foreign corporations which were controlled foreign corporations) and of property by reason of which a person is considered as owning such stock;

(21) To the extent provided in section 1022, relating to increase in basis for certain foreign personal holding company stock or securities;

(22) For amounts allowed as deductions for payments made on account of transfers of franchises, trademarks, or trade names under section 1253(d)(2).

(c) *Cross references*—(1) For treatment of certain expenses incident to the purchase of a residence which were deducted as moving expenses by the taxpayer or his spouse under section 217(a), see section 217(e).

(2) For treatment of separate mineral interests as one property, see section 614.

[Sec. 1016 as amended by sec. 4(c), Act of June 29, 1956 (Public Law 629, 84th Cong., 79 Stat. 407); secs. 2(b) and 64(d)(2), Technical Amendments Act 1958 (72 Stat. 1607, 1656); sec. 3(d)(1) and (2), Life Insurance Company Income Tax Act 1959 (73 Stat. 139); secs. 2(f), 8(g)(2), and 12(b)(4), Rev. Act 1962 (76 Stat. 972, 998, 1031); secs. 203(a)(3)(C), 225(j)(2), and 227(b)(5), Rev. Act 1964 (78 Stat. 34, 93, 98); secs. 231(c)(3), 504(c)(4), and 516(c)(2), Tax Reform Act 1969 (83 Stat. 580, 633, 648)]

PAR. 5. Immediately before § 1.1301, the following new sections are inserted:

§ 1.1253 Statutory provisions: transfers of franchises, trademarks, and trade names.

Sec. 1253. *Transfers of franchises, trademarks, and trade names*—(a) *General rule.* A transfer of a franchise, trademark, or trade name shall not be treated as a sale or exchange of a capital asset if the transferor retains any significant power, right, or continuing interest with respect to the subject matter of the franchise, trademark, or trade name.

(b) *Definitions.* For purposes of this section—(1) *Franchise.* The term "franchise" includes an agreement which gives one of the parties to the agreement the right to distribute, sell, or provide goods, services, or facilities, within a specified area.

(3) *Significant power, right, or continuing interest.* The term "significant power, right, or continuing interest" includes, but is not limited to, the following rights with respect to the interest transferred:

(A) A right to disapprove any assignment of such interest, or any part thereof.

(B) A right to terminate at will.

(C) A right to prescribe the standards of quality of products used or sold, or of services furnished, and of the equipment and facilities used to promote such products or services.

(D) A right to require that the transferee sell or advertise only products or services of the transferor.

(E) A right to require that the transferee purchase substantially all of his supplies and equipment from the transferor.

(F) A right to payments contingent on the productivity, use, or disposition of the subject matter of the interest transferred, if such payments constitute a substantial element under the transfer agreement.

(3) *Transfer.* The term "transfer" includes the renewal of a franchise, trademark, or trade name.

(c) *Treatment of contingent payments by transferor.* Amounts received or accrued on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred shall be treated as amounts received or accrued from the sale or other disposition of property which is not a capital asset.

(d) *Treatment of payments by transferee*—(1) *Contingent payments.* Amounts paid or incurred during the taxable year on account of a transfer, sale, or other disposition of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred shall be allowed as a deduction under section 162(a) (relating to trade or business expenses).

(2) *Other payments.* If a transfer of a franchise, trademark, or trade name is not (by reason of the application of subsection (a)) treated as a sale or exchange of a capital asset, any payment not described in paragraph (1) which is made in discharge of a principal sum agreed upon in the transfer agreement shall be allowed as a deduction—

(A) In the case of a single payment made in discharge of such principal sum, ratably over the taxable years in the period beginning with the taxable year in which the payment is made and ending with the ninth succeeding taxable year or ending with the last taxable year beginning in the period of the transfer agreement, whichever period is shorter;

(B) In the case of a payment which is one of a series of approximately equal payments made in discharge of such principal sum, which are payable over—

(i) The period of the transfer agreement, or

(ii) A period of more than 10 taxable years, whether ending before or after the end of the period of the transfer agreement,

in the taxable year in which the payment is made; and

(C) In the case of any other payment, in the taxable year or years specified in regulations prescribed by the Secretary or his delegate, consistently with the preceding provisions of this paragraph.

(e) *Exception.* This section shall not apply to the transfer of a franchise to engage in professional football, basketball, baseball, or other professional sport.

[Sec. 1253 as added by sec. 516(c), Tax Reform Act 1969 (83 Stat. 647)]

§ 1.1253-1 Transfers of franchises, trademarks, and trade names.

(a) *General rule.* The transfer of a franchise, trademark, or trade name shall not be treated as the sale or exchange of a capital asset for purposes of the tax imposed by chapter 1 of the Code if the transferor retains any significant power, right, or continuing interest with respect to the subject matter of the franchise, trademark, or trade name transferred. Section 1253 and this section do not apply to amounts received during the taxable year with respect to the transfer of a franchise, trademark, or trade name by a nonresident alien individual or a foreign corporation which are not effectively connected for the taxable year with the conduct of a trade or business within the United States. Such amounts received by a nonresident alien individual or a foreign corporation shall be taxable as provided in section 871(a)(1) or 881(a), and the regulations thereunder. For the definition of terms used in this section, see § 1.1253-2.

(b) *Transferor's treatment of contingent payments.* All amounts received or accrued by the transferor on account of the transfer of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred are includible in gross income as ordinary income. However, treatment of such amounts as ordinary income is not determinative as to whether such amounts will be treated as royalty income for purposes of any section of the Code specifically relating to royalties. Such determination shall be made pursuant to such section of the Code.

(c) *Transferee's treatment of payments*—(1) *Contingent payments.* Amounts paid or incurred during the taxable year on account of the transfer of a franchise, trademark, or trade name which are contingent on the productivity, use, or disposition of the franchise, trademark, or trade name transferred are deductible by the transferee as a trade or business expense pursuant to section 162(a) and the regulations thereunder, even though the transfer is treated as a sale or other disposition of property or the property transferred has a useful life which can be estimated with reasonable accuracy. A payment which is deductible under this subparagraph is not to be treated as an amount properly chargeable to capital account for purposes of section 1016(a)(1). See § 1.1253-3 for special provisions relating to the election under section 516(d)(3) of the Tax Reform Act of 1969 (83 Stat. 648) to apply section 1253(d)(1) and this subparagraph to certain contingent payments made on account of transfers of franchises, trademarks, or trade names occurring before January 1, 1970.

(2) *Initial payments by transferee in case of a sale or exchange.* If a transfer

of a franchise, trademark, or trade name is treated as a sale or exchange of property, any noncontingent payment (that is, any amount not described in subparagraph (1) of this paragraph) made in discharge of a principal sum agreed upon in the transfer agreement shall be treated as an amount properly chargeable to capital account for purposes of section 1016(a)(1). If the property acquired in such transfer has a useful life to the transferee which can be estimated with reasonable accuracy, it may be the subject of a depreciation allowance, as provided in § 1.167(a)-3. This subparagraph applies both when the transfer giving rise to such principal sum is treated, by applying the provisions of paragraph (a) of this section, as a sale or exchange of a capital asset and when, without reference to this section, the transfer is treated as a sale or exchange of property which is not a capital asset.

(3) *Initial payments by transferee in case of a license.* If a transfer of a franchise, trademark, or trade name is treated as a transaction which is not a sale or exchange of property, any noncontingent payment made by the transferee in discharge of a principal sum agreed upon in the transfer agreement is allowed as a deduction under section 1253(d)(2) and the following subdivisions of this subparagraph, provided that such principal sum is treated by the transferee as an amount properly chargeable to capital account for purposes of section 1016(a)(1):

(i) *Single payment.* In the case of a single payment made in discharge of such principal sum, the payment is deductible ratably over the shorter of—

(a) The 10 consecutive taxable years which begin with the taxable year in which such payment is made, or

(b) Those consecutive taxable years which begin with the taxable year in which such payment is made and end with the last taxable year beginning in the period of the transfer agreement.

(ii) *Series of equal payments payable over the period of transfer agreement or more than 10 years.* If the payment is one of a series of approximately equal payments (whether or not in consecutive taxable years) made in discharge of such principal sum, which are payable over—

(a) The period of the transfer agreement, whether a period of more or less than 10 consecutive taxable years, or

(b) A period of more than 10 consecutive taxable years, whether such period ends before or after the end of the period of the transfer agreement,

the payment is deductible in the taxable year in which it is made.

(iii) *Series of equal payments payable over a period of not more than 10 years.* In the case of a series of approximately equal payments (whether or not in consecutive taxable years) made in discharge of such principal sum and payable over a period of not more than 10 consecutive taxable years (whether such period ends before or after the end of the period of the transfer agreement) the

payments are deductible ratably over the shorter of—

(a) The 10 consecutive taxable years which begin with the taxable year in which the first such payment is made, or

(b) Those consecutive taxable years which begin with the taxable year in which such first payment is made and end with the last taxable year beginning in the period of the transfer agreement.

Provided, That the amount so allowable as a deduction in the taxable year, when added to amounts allowable as a deduction under this subdivision in previous taxable years in respect of such principal sum, shall not exceed the total payments which by the end of such taxable year have been made in discharge of such principal sum. If there is such an excess, see subdivision (vi) of this subparagraph.

(iv) *Series of unequal payments payable over the period of transfer agreement or more than 10 years.* If the payment is one of a series of unequal payments (whether or not in consecutive taxable years) made in discharge of such principal sum, which are payable over—

(a) The period of the transfer agreement, whether a period of more or less than 10 consecutive taxable years, or

(b) A period of more than 10 consecutive taxable years, whether such period ends before or after the end of the transfer agreement,

the payment is deductible in the taxable year in which it is made; *Provided,* That no such payment exceeds 20 percent of such principal sum and provided that no more than 75 percent of such principal sum is paid in the first half of the period of the transfer agreement or in the period of 10 consecutive taxable years which begin with the taxable year in which the first such payment is made, whichever such period is shorter. If the payment is not deductible by reason of either of the above-mentioned provisions, see subdivision (vi) of this subparagraph.

(v) *Series of unequal payments payable over a period of not more than 10 years.* In the case of a payment which is one of a series of unequal payments (whether or not in consecutive taxable years) made in discharge of such principal sum and payable over a period of not more than 10 consecutive taxable years which is less than the period of the transfer agreement, the payments are deductible ratably over the shorter of—

(a) The 10 consecutive taxable years which begin with the taxable year in which the first such payment is made, or

(b) Those consecutive taxable years which begin with the taxable year in which such first payment is made and end with the last taxable year beginning in the period of the transfer agreement.

Provided, That the amount so allowable as a deduction in the taxable year, when added to amounts allowable as a deduction under this subdivision in previous taxable years in respect of such principal sum, shall not exceed the total payments which by the end of such taxable year

have been made in discharge of such principal sum. If there is such an excess, see subdivision (vi) of this subparagraph.

(vi) *Other payments.* In the case of any payment not described in subdivisions (i) through (v) of this subparagraph, the payment is deductible in the taxable year or years specified by the Commissioner upon written request of the taxpayer sent to the Commissioner of Internal Revenue, Washington, D.C. 20224, setting forth sufficient information to identify the transfer involved, the period of the transfer agreement, the terms of the agreement, the amount of each payment to be made by the transferee in discharge of the principal sum agreed upon in the transfer agreement, and the dates on which such payments are to be made.

(4) *Illustrations.* The application of subparagraph (3) of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1970, M Corporation, a national franchisor of sparerib drive-ins, which uses the calendar year as its taxable year, transfers to A one of its sparerib franchises. Under the terms of the franchise agreement M Corporation retains a number of significant rights and powers in the franchise. As a result, the transfer is not treated as a sale or exchange of property. The franchise agreement is for a term of 20 years, and A agrees to pay M Corporation an initial payment of \$24,000 on the date of signature. Under subparagraph (3) (i) of this paragraph, A is allowed a \$2,400 deduction for each of the years 1970 through 1979.

Example (2). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in equal installments of \$1,600 each for 15 years beginning in 1970. Under subparagraph (3) (ii) of this paragraph, A is allowed a \$1,600 deduction for each of the years 1970 through 1984.

Example (3). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in installments of \$3,000 in each even numbered year, beginning with 1970, until the initial payment of \$24,000 is fully discharged. Under subparagraph (3) (ii) of this paragraph, A is allowed a \$3,000 deduction for each year in which such an installment is paid to M Corporation.

Example (4). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in installments of \$3,000 in each of the 8 consecutive years beginning with 1970. Under subparagraph (3) (iii) of this paragraph, A is allowed a \$2,400 deduction for each of the years 1970 through 1979.

Example (5). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in installments of \$1,500 for each of the first 14 years beginning with 1970, and \$3,000 in 1984. Since none of such installments exceeds 20 percent of the initial payment of \$24,000 and since the total payments of \$15,000 made in the first 10 consecutive years of payment are less than \$18,000 (75 percent of \$24,000), A is allowed a \$1,500 deduction for each of the years 1970 through 1983 and a \$3,000 deduction for 1984, under the rules contained in subparagraph (3) (iv) of this paragraph.

Example (6). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in installments of \$2,800 in each even numbered year, beginning with 1970 and ending with 1982,

and \$4,400 in 1984. Since none of such installments exceeds 20 percent of the initial payment of \$24,000 and since the total payments of \$14,000 made in the first 10 consecutive years of payment are less than \$18,000 (75 percent of \$24,000), A is allowed a \$2,800 deduction for each of the years in which such an installment is paid and a \$4,400 deduction for 1984, under the rules contained in subparagraph (3)(iv) of this paragraph.

Example (7). Assume the same facts as in example (1), except that A is to pay the initial payment to M Corporation in installments of \$3,000 in 1970, \$7,000 in 1971, \$6,000 in 1973, and \$8,000 in 1976. Under subparagraph (3)(v) of this paragraph, A is allowed a \$2,400 deduction for each of the years 1970 through 1979, since the amount so allowable in each such year, when added to amounts allowable in previous taxable years, does not exceed the total installment payments which by the end of such year have been made in discharge of the initial payment.

(d) **Transfer of a franchise, trademark, or trade name incident to the transfer of a trade or business—(1) In general.** Section 1253 and this section apply to amounts which are attributable to the transfer of a franchise, trademark, or trade name incident to the transfer of a trade or business. The amount attributable to the transfer of the franchise, trademark, or trade name is to be determined on the basis of the facts and circumstances involved in each case, including any written agreement entered into by the parties to the contract. However, to the extent the facts and circumstances do not show otherwise, that portion of the amount attributable to the transfer of a trade or business which is not attributable to the transfer of specific tangible assets, such as, for example, inventory, fixtures, and equipment, is to be treated as being attributable to the transfer of intangible assets, including goodwill, or any franchise, trademark, or trade name transferred as part of the transaction. In such case, that portion (whether represented by contingent or noncontingent payments) which is attributable to the transfer of intangible assets must be allocated on a reasonable basis among such intangible assets, including any franchise, trademark, or trade name transferred incident to the transaction. Generally, absent facts and circumstances indicating that another method of allocation would be more appropriate, contingent payments will be deemed attributable to intangible assets and will be allocated to such franchise, trademark, or trade name.

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

Example (1). A sells his restaurant, which is famous for its fruit pies, to B for \$500,000. As part of the transaction, A grants B the right to continue using A's name as the name of the restaurant. In consideration for such right, B grants A the "significant right" to prescribe the ingredients that may be used in making the pies and to inspect the restaurant weekly to make sure that the food being served is of the same high quality that A previously served. As a consequence, the transfer of the trade name to B is not treated as the sale or exchange of a capital asset. However, A establishes that a major factor

in B's deciding to purchase A's restaurant, and in establishing the price to be paid therefor, was the fact that State X planned to build a new highway in the vicinity of the restaurant. Both A and B anticipated that the new highway would substantially increase the sales volume of the restaurant. Of the \$500,000 received by A, it can reasonably be determined that \$400,000 is attributable to land, building, fixtures and other tangible assets. Accordingly, the remaining \$100,000 is to be treated as being attributable to the transfer of intangible assets. It is further determined that \$40,000 of such \$100,000 is attributable to the anticipated increase in sales volume attributable to the proposed highway construction and \$60,000 is attributable to the continued use by B of A's name (the only other intangible asset transferred by A). Pursuant to subparagraph (1) of this paragraph, the \$60,000 attributable to the transfer of the trade name is to be included in A's gross income as ordinary income.

Example (2). D sells his cleaning business to E for \$500,000 and 5 percent of the gross income of the business for the next 5 years. As part of the transaction, D grants E the right to continue to use D's name as the name of the business. In the absence of any other facts indicating that a contrary allocation would be more appropriate, contingent payments will be deemed attributable to the transfer of intangible assets and will be treated as being attributable to the transfer of the trade name. Consequently, whether or not the transfer of the trade name is treated as the sale of a capital asset, the portion of the contingent payments which is attributable to the transfer of the trade name is to be treated as ordinary income to D under section 1253(c) and paragraph (b) of this section.

(e) **Exception as to professional sports.** Section 1253 and this section do not apply to the transfer of a franchise to engage in professional football, basketball, baseball, or any other professional sport. However, this exception applies only to franchises for teams to participate in a professional sports league and does not apply to other franchised sports enterprises, such as a franchise to operate a golfing, bowling, or other sporting enterprise as a trade or business.

(f) **Effective date.** Except as provided in § 1.1253-3, this section and § 1.1253-2 apply only to transfers of franchises, trademarks, or trade names which occur after December 31, 1969.

§ 1.1253-2 Definition of terms.

For the purposes of §§ 1.1253-1 to 1.1253-3, inclusive—

(a) **Franchise.** The term "franchise" includes an agreement which gives the transferee the right to distribute, sell, or provide goods, services, or facilities within a specific area, such as a geographical area to which the business activity of the transferee is limited by the agreement. The term includes distributorships or other similar exclusive-type contractual arrangements pursuant to which the transferee is permitted or licensed to operate or conduct a trade or business within a specific area.

(b) **Trademark.** The term "trademark" includes any word, name, symbol, or device, or any combination thereof, adopted and used by a manufacturer or merchant to identify his goods and

distinguish them from those manufactured or sold by others. See 15 U.S.C. 1127.

(c) **Trade name.** The term "trade name" includes any name used by a manufacturer or merchant to identify or designate a particular trade or business or the name or title lawfully adopted and used by a person or organization engaged in a trade or business. See 15 U.S.C. 1127.

(d) **Significant power, right or continuing interest.** The term "significant power, right, or continuing interest" includes, but is not limited to, the following rights (whether expressly stated in the agreement or implied in fact from the conduct of the parties) with respect to the franchise, trademark, or trade name which is transferred:

(1) A right to disapprove any assignment of the transferred interest, or of any part thereof;

(2) A right to terminate the transferred interest at will;

(3) A right to prescribe the standards of quality of products used or sold, or of services furnished, and of the equipment and facilities used to promote such products or services;

(4) A right to require that the transferee sell or advertise only the products or services of the transferor;

(5) A right to require that the transferee purchase substantially all of his supplies and equipment from the transferor or from suppliers designated by the transferor;

(6) A right to payments contingent on the productivity, use, or disposition of the subject matter of the transferred interest where the estimated amount of such payments constitutes more than 50 percent of the total estimated amount the transferee has agreed to pay the transferor in consideration for the transfer;

(7) A right to prevent the transferee from removing equipment outside of the territory in which the transferee is permitted to operate;

(8) A right to participate in a continuing manner in the commercial or economic activities of the transferred interest, such as, for example, by conducting activities with respect to a transferred franchise such as sales promotion (including advertising), sales and management training, employee training programs, holding national meetings for the transferee, or providing the transferee with blueprints or formulae; or

(9) Any other right which permits the transferor to exercise continuing, active, and operational control over the transferee's trade or business activities.

(e) **Contingent payments.** The term "contingent payments" includes continuing payments, other than installment payments of a principal sum agreed upon in the transfer agreement, measured by a percentage of the selling price of the products marketed, or based on the units manufactured or sold, or based in a similar manner upon production, sale or use, or disposition of the franchise, trademark, or trade name transferred.

(f) **Transfer.** The term "transfer" includes—

(1) The sale, exchange, or other disposition of any interest, or any part of an interest, in a franchise, trademark, or trade name; and

(2) The renewal of an existing transfer agreement in respect of a franchise, trademark, or trade name. An existing transfer agreement is renewable where the provisions of the agreement continue to be binding on both parties to the agreement after the stated term of the agreement has elapsed subject to the termination by either party. The beginning of the period of the transfer agreement for purposes of paragraph (c) (3) of § 1.1253-1 and the date of transfer for the purposes of paragraph (f) of such section shall be—

(i) In the case of a renewable agreement which has not been terminated, the day following the date on which the stated term elapsed,

(ii) In the case of a new agreement entered into after the termination of a prior agreement, whether such prior agreement was renewable or nonrenewable, the date of such new agreement, and

(iii) In the case of a termination of a prior agreement where payments are continued pursuant to an express or implied agreement (terminable at will or otherwise) pending execution of a new agreement, the day following the termination of such prior agreement.

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

Example (1). M Corporation, a nationwide franchisor of M sparerib drive-ins, transfers to A the right to establish M drive-ins in State X including the right to franchise others to establish M drive-ins in State X. M Corporation also transfers to B the right to establish M drive-ins in State Y. A then establishes 25 M drive-ins in State X and franchises 10 other persons to establish M drive-ins in State X. All of these transfers, both those between the national franchisor, M Corporation, and the middle level franchisors, A and B, and those between the middle level franchisor, A, and the local franchisees, are transfers for purposes of § 1.1253-1.

Example (2). Assume the same facts as in example (1) and that one of the franchises transferred by A in State X was transferred to C, an individual who uses the calendar year as the taxable year, on January 1, 1965. In the transfer agreement between A and C it is provided that the agreement is to be in effect for a term of 10 years commencing on January 1, 1965. After 10 years either party may terminate the agreement by giving 6 months' written notice to the other. The agreement provides for a \$10,000 initial payment to be made in 10 equal installments commencing on January 1, 1965, and for contingent payments of 3 percent of the gross sales of M spareribs by C. The provisions of § 1.1253-1 do not apply to any payments made pursuant to this transfer agreement, except that, pursuant to an election made under § 1.1253-3, C may deduct under paragraph (c) (1) of § 1.1253-1 the contingent payments which he makes in taxable years ending after December 31, 1969, on account of the original transfer. If neither A nor C gives notice after December 31, 1974, of termination of the agreement, all contingent payments made pursuant to the renewal on

January 1, 1975, shall be included in A's gross income as ordinary income under paragraph (b) of § 1.1253-1 and shall be allowed as a deduction to C under paragraph (c) (1) of such section.

Example (3). Assume the same facts as in example (2) except that the agreement is in effect for only 10 years. On January 1, 1975, A and C negotiate a new agreement to establish an M drive-in in State X for a term of 10 years commencing on that date. This new agreement provides for a \$10,000 initial payment to be made on January 1, 1975, and for contingent payments of 4 percent of the gross sales of M Spareribs by C. Assume also that under the terms of the new agreement M Corporation retains a number of significant rights and powers in the franchise. In accordance with paragraph (a) of § 1.1253-1, the initial payment of \$10,000 is included in A's gross income as ordinary income. Under the provisions of paragraph (c) (3) (i) of § 1.1253-1, C is allowed a \$1,000 deduction for each of the years 1975 through 1984 in respect of the initial payment of \$10,000. All contingent payments made pursuant to the transfer on January 1, 1975, shall be included in A's gross income as ordinary income under paragraph (b) of § 1.1253-1 and shall be allowed as a deduction to C under paragraph (c) (1) of such section.

§ 1.1253-3 Election with respect to contingent payments on pre-1970 transfers.

(a) *Election.* Section 516(d) (3) of the Tax Reform Act of 1969 (83 Stat. 648) provides that the transferee may elect to apply section 1253(d) (1) and paragraph (c) (1) of § 1.1253-1 to contingent payments made on account of transfers before January 1, 1970, of franchises, trademarks, or trade names, but only with respect to payments made in taxable years ending after December 31, 1969, and beginning before January 1, 1980. An election under such section must be made not later than (1) the time, including extensions thereof, prescribed by law for filing the income tax return for the first taxable year ending after December 31, 1969, in which contingent payments are made on account of any such transfer or (2) June 8, 1970, whichever is later. The election shall apply to all payments made in taxable years ending after December 31, 1969, and beginning before January 1, 1980, on account of the transfer in respect of which the election is made. If there are contingent payments in such years on account of more than one such transfer occurring before January 1, 1970, the transferee may elect as to one, more than one, or all of such transfers.

(b) *Manner of making election.* The election shall be made by a statement attached to the return (or an amended return) for the taxable year and shall, with respect to each transfer in respect of which the election is made—

(1) State the name and address of the transferee and of the transferor;

(2) Indicate that the transferee elects to take a deduction under section 1253(d) (1) for all contingent payments on account of such transfer which are made in taxable years ending after December 31, 1969, and beginning before January 1, 1980;

(3) Identify the franchise, trademark, or trade name and the date of the agreement pursuant to which the transfer is made;

(4) State the period of the transfer agreement;

(5) State the amount the transferee is deducting for such taxable year pursuant to the election;

(6) State the total amount of contingent payments which were made in previous taxable years on account of such transfer, identifying the amounts and years in which such payments were made; and

(7) Show the formula agreed upon by the transferor and transferee for determining the amount of contingent payments.

(c) *Revocation.*—(1) *With consent.* Except as provided in subparagraph (2) of this paragraph, an election made in accordance with paragraph (a) of this section shall be binding unless consent of the Commissioner is obtained under section 446(e) and § 1.446-1(e) to change the method of treating contingent payments to which such election applies. This paragraph shall not apply to an election made pursuant to paragraph (d) of this section.

(2) *Without consent.* If on or before [the date of publication in the FEDERAL REGISTER of the regulations under section 1253] an election has been made under paragraph (a) of this section for a taxable year for which the last day for filing an income tax return (including extensions thereof) falls before [the 90th day after such date], consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. A revocation under this subparagraph shall be made by filing, on or before [such 90th day], a statement to that effect with the district director, or with the director of the internal revenue service center, with whom the election was filed. For any taxable year for which such revocation is applicable, an amended return reflecting such revocation shall be filed on or before [such 90th day].

(d) *Controlled foreign corporations.*—(1) *In general.* The controlling U.S. shareholders (as defined in paragraph (c) (5) of § 1.964-1) of a foreign corporation (other than a resident foreign corporation required to file a return under section 6012 and the regulations thereunder) may make the election described in paragraph (a) of this section by (i) filing a written statement to such effect with the Director of International Operations, Washington, D.C. 20225, within 180 days after the close of the first taxable year of the foreign corporation ending after December 31, 1969, in which contingent payments are made on account of any transfer described in paragraph (a) of this section or on or before December 31, 1971, whichever is later, and (ii) providing the written notice in the time and manner prescribed in paragraph (c) (3) (iii) of § 1.964-1. The written statement shall furnish the information required by paragraph (b) of this

section and paragraph (c)(3)(ii) of § 1.964-1 and shall be jointly executed by the controlling U.S. shareholders. The filing of a written statement pursuant to this subparagraph shall constitute an election for purposes of paragraph (c)(1)(iv) of § 1.964-1.

(2) *Exception.* Subparagraph (1) of this paragraph shall not apply with respect to any foreign corporation for which an election may be made pursuant to paragraph (c)(6) or (f) of § 1.964-1.

[FR Doc.71-9954 Filed 7-14-71;8:45 am]

[26 CFR Part 1]

CHARACTER OF TOTAL DISTRIBUTIONS FROM QUALIFIED PLANS PAID AFTER DECEMBER 31, 1969

Notice of Extension of Time for

Comments

The proposed amendment to the regulations under sections 402(a)(5) and 403(a)(2)(C) of the Internal Revenue Code of 1954, relating to character of total distributions from qualified plans paid after December 31, 1969, appears in the FEDERAL REGISTER for June 12, 1971 (36 F.R. 11442).

Written comments or suggestions pertaining to the proposed amendment and requests for a public hearing by persons submitting written comments or suggestions were required to be submitted by July 26, 1971. The time for submission of written comments or suggestions pertaining to the proposed amendment and for requesting a public hearing is hereby extended to August 16, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-10155 Filed 7-14-71;10:57 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3850]

ASSESSMENT WORK, GENERAL

Compliance With Mining Laws

The Department's regulations relating to assessment work on mining claims state that failure to perform the required assessment work relates solely to the right of possession between rival or adverse claimants to the same mineral land. The Supreme Court's decision in *Hickel v. Oil Shale Corporation*, 400 U.S. 48 (1970) makes it clear that this regulation is not consistent with the law. The purpose of this amendment is to revise the regulation in light of the principles set out in *Hickel v. Oil Shale Corporation*.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until August 9, 1971.

Subpart 3851 is amended as follows:

1. Section 3851.3 is revised to read as follows:

§ 3851.3 Effect of failure to perform assessment work.

(a) Failure of a mining claimant to comply substantially with the requirement of an annual expenditure of \$100 in labor or improvements on a claim imposed by section 2324 of the Revised Statutes (30 U.S.C. 28) will render the claim subject to cancellation.

(b) Failure to make the expenditure or perform the labor required upon a location will subject a claim to relocation unless the original locator, his heirs, assigns, or legal representatives have resumed work after such failure and before relocation.

§ 3851.4 [Deleted]

2. Section 3851.4 is deleted.

§§ 3851.4, 3851.5 [Redesignated]

3. Sections 3851.5 and 3851.6 are redesignated as §§ 3851.4 and 3851.5, respectively.

W. T. PECORA,

Acting Secretary of the Interior.

JULY 9, 1971.

[FR Doc.71-10066 Filed 7-14-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

[Docket No. AO 269-A5]

DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Coachella, Calif., on January 15, 1971, after notice thereof was published in the FEDERAL REGISTER on January 5, 1971 (36 F.R. 112), on proposals to amend the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The amended marketing agreement and the amended order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture. Notice thereof, affording opportunity to file written exceptions thereto, was published May 27, 1971, in the FEDERAL REG-

ISTER (F.R. Doc. 71-7422; 36 F.R. 9655). No exceptions to said recommended decision was filed.

The material issues, findings, and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71-7422; 36 F.R. 9655), are hereby approved and adopted as the material issues, findings, and conclusions, and general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, Calif." and "Order Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, Calif." which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1970, through May 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the production of the Deglet Noor, Zahidi, Halawy, or Khadrawy variety of domestic dates produced or packed in the area of production (i.e., Riverside County, Calif.) to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of domestic dates produced or packed in a designated area of California.

Warren C. Noland, Edmund J. Blaine, and James S. Miller of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (30 F.R. 15414).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information will be able to obtain the same from Warren C. Noland, Los

Angeles Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 1733, 312 North Spring Street, Los Angeles, CA 90012.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said Order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 9, 1971.

RICHARD E. LYNQ,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, Calif.

§ 987.0 Findings and determinations.

(a) Previous findings and determinations. The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706; 32 F.R. 12594).

(b) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Coachella, Calif., on January 15, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of domestic dates produced or packed in a designated area of California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the area of production covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area;

(5) All handling of domestic dates produced or packed in the area of production is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of domestic dates produced or packed in the area of production shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 987.4 is revised to read:

§ 987.4 Area of production.

"Area of production" means Riverside County, Calif.

2. Section 987.6 is revised to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, shall begin on August 1, 1970.

3. Section 987.9 is revised to read:

§ 987.9 Handle.

"Handle" means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any way to put dates into the current of commerce including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers, of other than cull dates, to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, the counties of San Bernardino and Imperial in the State of California, and such other counties in the State of California adjoining the area of production as the Committee may prescribe with the approval of the Secretary shall not be considered as handling.

4. Section 987.18 is revised to read:

§ 987.18 Committee.

"Committee" means the California Date Administrative Committee established pursuant to § 987.21.

§ 987.19 [Deleted]

5. Section 987.19 is deleted.

6. Section 987.20 is revised to read:

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

7. The center heading "Date Administrative Committee" immediately preceding § 987.21 is changed to "California Date Administrative Committee" and § 987.21 is revised to read:

§ 987.21 Establishment of California Date Administrative Committee.

A California Date Administrative Committee consisting of eight members is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members may be increased to nine or decreased from nine to eight as provided in § 987.22(b). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination and selection of the members shall apply to alternate members except as provided in § 987.22(b) for the selection of a producer-handler representative.

8. Section 987.22 is revised to read:

§ 987.22 Membership representation.

(a) Five members of the Committee shall be individuals who are producers, or officers or employees of producers; and such members are referred to in this part as "producer members". Three members shall be individuals who are handlers, or officers or employees of handlers; and such members are referred to in this part as "handler members".

(b) The producer members shall be apportioned, as provided in this section, between the group of producers affiliated with cooperative associations of producers (referred to in this part as "cooperative producers") and the group of producers having no such affiliation (referred to in this part as "independent producers"). The apportionment for a term of office ending in the ensuing crop year shall be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Each such group shall have one producer member for each portion of the applicable total quantity of such dates delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for any major fraction thereof (more than one-half of the 20 percent): *Provided*, That each such group shall have at least one member as long as it operates. To provide a member for each such major fractional part and at least one member for each group, the Secretary shall increase the total number of members of the Committee to nine and, if changed to nine members, to reduce the number of members to eight if nine members are no longer re-

quired to conform with the requirement of this sentence. When the independent producers group is entitled to two or more members, at least one independent producer member and his alternate shall be a producer-handler, each of whom produced during the then current crop year through April at least 51 percent of all the dates handled by him during such period; and when the independent producers group is entitled to one member, either the member or the alternate member shall be such a producer-handler. Whenever it is determined, pursuant to this paragraph, that a change in producer representation is required for the ensuing term of office, the Secretary shall, on the basis of information, revise the representation consistent with the provisions of this paragraph.

9. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be one year beginning August 1, but each such member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified: *Provided*, That the incumbent members and alternate members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart shall serve as members and alternate members, respectively, of the California Date Administrative Committee until such time as the successor producer members and handler members selected by the Secretary in accordance with § 987.24 of this amended subpart to serve on the California Date Administrative Committee have qualified.

10. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members of the Committee shall be made not later than June 15 of each year, except that in 1971 the latest date for such nominations shall be not later than a reasonable time after the effective date of the amended subpart.

(b) A cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve through the ensuing term of office as producer members representing cooperative producers as provided in § 987.22. Whenever there are two or more cooperative associations of producers, the vote by each such association shall be weighted by the number of its cooperative producers during the applicable crop year through April 30. The individual receiving the highest number of votes for a position shall be the nominee.

(c) A meeting or meetings of independent producers shall be held in the area of production for the purpose of nominating individuals to serve as independent producer members on the Committee. Such producers shall nominate the applicable number of individuals for producer member positions in conformity with § 987.22. Each such producer, re-

gardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee.

(d) Three handlers shall constitute a quorum for a meeting or meetings of handlers to be held in the area of production for the purpose of nominating three individuals to serve as handler members on the Committee. Each handler shall be entitled to vote for only one handler member position to be filled. The vote of each handler shall be weighted by the tonnage of dates the handler acquired (or, if a cooperative association of producers, by the tonnage received) from producers and had certified for handling or for further processing during the applicable crop year through April. The individual receiving the highest number of votes for a handler member position shall be the nominee for that position.

(e) Promptly after the completion of the meetings required by this section, a report shall be filed, either by the Committee or an employee of the Department, with the Secretary including details of the proceedings of the meetings, the names of the nominees for each position to be filled, together with necessary tonnage data and other information requested by the Secretary. From such nominees or from other eligible persons, the Secretary shall select the Committee members from the groups, and on the basis, prescribed in § 987.22.

§ 987.27 [Amended]

11. The following sentence is added at the end of § 987.27: "In the event a member and his alternate are unable to attend a meeting of the Committee, such member or alternate, in that order, may designate an alternate from the group (producers or handlers, as the case may be) they represent to act in his place. If neither a member nor his alternate has designated an alternate as his replacement, or such designated alternate is unable to serve as the replacement, the chairman may, with the concurrence of a majority of the members, including alternates acting as members, representing such group, designate an alternate from such group who is present at the meeting and is not acting as a member to act in the place and stead of the absent member."

12. Section 987.31 is revised to read:

§ 987.31 Procedure.

(a) Five members, including alternates acting as members, of the Committee, shall constitute a quorum.

(b) The Committee shall, from among its members, select a chairman and such other officers and adopt such rules for the conduct of its business as it may deem advisable.

(c) For any decision of the Committee to be valid, at least five members must cast a concurring vote, except as provided under § 987.33 for any program of paid advertising or major program of market-

ing promotion. At all assembled meetings each vote shall be cast in person.

(d) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

§ 987.33 [Amended]

13. The third sentence of § 987.33 is revised to read: "However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six members, including alternates acting as members."

§ 987.34 [Amended]

14. The first sentence in § 987.34 is revised to read: "As early as practicable, but no later than October 15, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the crop year."

15. The date "July 31" in § 987.34(b) is revised to read "September 30".

§ 987.45 [Amended]

16. The last sentence of paragraph (d) of § 987.45 is revised to read: "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such year may: (1) On written request delivered to the Committee not later than September 30 of such crop year have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handlers' restricted obligations incurred in that crop year; and in addition (2) have a part or all of the remainder of such excess credited to his restricted obligation of the subsequent crop year: *Provided*, That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

17. The date "July 31" in § 987.45 (e) and (f) is revised to read "September 30".

§ 987.61 [Amended]

18. The dates "June 1" and "August 1" in § 987.61 are revised to read "September 1" and "September 30", respectively.

19. The heading and first sentence of § 987.68 are revised to read:

§ 987.68 Verification of reports and records.

For the purpose of checking compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to matters within the purview of this part. * * *

§ 987.82 [Amended]

20. The date "June 1" in § 987.82 (b) (2) is revised to read "August 1".

[FR Doc. 71-10033 Filed 7-14-71; 8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-43]

HILLSBOROUGH RIVER, FLA.

Proposed Drawbridge Operation Regulations; Correction

In F.R. Doc. 71-7160 appearing at page 9329 in the issue of Saturday, May 22, 1971, in § 117.465(c) the times given for openings of the draw, both on signal or if at least 1 hours' notice has been given, are incorrect. Paragraph (c) of § 117.465 is corrected to read as follows:

§ 117.465 Hillsborough River, Tampa, Fla.

(c) *City of Tampa highway bridge at West Columbus Drive and the State of Florida highway bridge at West Hillsborough Avenue.* From 8 a.m. to 6 p.m. the draws shall open on signal. From 6 p.m. to 8 a.m. drawtenders need not be on duty at these bridges; however, the draws shall open on signal if at least 1 hours' notice has been given.

Dated: June 25, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Operations.

[FR Doc. 71-10064 Filed 7-14-71; 8:52 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Kalispell, Mont., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but

arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The airspace requirements for Glacier Park International Airport, Kalispell, Mont., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review it has been determined that additional 700-foot transition area is required to provide controlled airspace protection for the portion of the VOR Rwy 29 instrument approach procedure conducted between 1,500 feet and 1,000 feet above the surface. Additional 1,200-foot transition area is also required for aircraft executing the procedure turn and holding procedure.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.181 (36 F.R. 2140) the description of the Kalispell, Mont., transition area is amended to read as follows:

KALISPELL, MONT.

That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the Kalispell VOR 334° radial, extending from an arc of a 5-mile-radius circle centered on Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.) to the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 5 miles east of the Kalispell VOR 166° radial, extending from the VOR to 18.5 miles south of the VOR and within 5 miles east and 8 miles west of the Kalispell VOR 346° radial, extending from the VOR to 7 miles north of the VOR.

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

Issued in Denver, Colo., on July 6, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc. 71-10045 Filed 7-14-71; 8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-70]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations

so as to designate a Portsmouth, Va., transition area.

The new NDB (ADF) RWY 02 and Radar RWY 02 instrument approach procedures developed for Chesapeake Portsmouth Airport, Portsmouth, Va., require the designation of a 700-foot-floor transition area to provide controlled airspace for aircraft executing these procedures.

Interested parties 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 parties 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 Portsmouth, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Portsmouth, Va., 700-foot-floor transition area as follows:

PORTSMOUTH, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°46'45" N., 76°26'45" W. of Chesapeake Portsmouth Airport, Portsmouth, Va.; within 3 miles each side of the 203° bearing from the Portsmouth RBN, 36°46'54" N., 76°26'39" W., extending from the 5-mile-radius area to 8.5 miles southwest of the RBN; and within 3 miles each side of the 189° bearing from the Portsmouth RBN, extending from the 5-mile-radius area to 6.5 miles south of the RBN excluding the portion that coincides with the Norfolk, Va., 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 Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 24, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.
[FR Doc. 71-10046 Filed 7-14-71; 8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-75]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Oceana, Va., control zone (36 F.R. 2112).

The Oceana, Va., control zone is described, in part, by reference to the Fentress, Va., radio beacon (RBN). The U.S. Navy has advised us that it plans to decommission the RBN and cancel the instrument approach procedure to NAS Oceana based on this facility. Before the RBN can be decommissioned, we will require an alteration of the control zone description by deleting references to this navigational aid.

A review of current instrument approach procedures to Oceana NAS disclosed that an additional control zone extension is required for the high altitude NDB(ADF) (UHF)-1 procedure. Additionally, a minor name change for this Naval Air Station will be reflected in the notice.

Interested parties 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 parties 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 Oceana, Va., 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 Oceana, Va., control zone and insert the following in lieu thereof:

OCEANA, VA.

Within a 5-mile-radius area of the center, 36°50'00" N., 76°01'45" W. of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 225° radial extending from the 5-mile-radius zone to 10

miles southwest of the TACAN; within 3.5 miles each side of a 187° bearing from the Navy Oceana RBN extending from the 5-mile-radius zone to 9 miles south of the RBN and within a 3-mile radius of the center of 36°42'15" N., 76°08'00" W. of ALP Fentress excluding the portion within R-6606.

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

Issued in Jamaica, N.Y., on June 24, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10047 Filed 7-19-71;8:51 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Birch Hollow, Va., transition area.

A 700-foot-floor transition area is required between the Martinsburg, W. Va., and Herndon, Va., VORTACs to permit us to radar vector aircraft en route to and from Dulles International Airport via Martinsburg VORTAC at a lower altitude than presently authorized. Because the controlled airspace in the vicinity of Birch Hollow has a floor of 1,200 feet above ground level (AGL) and the terrain rises to 1,689 feet mean sea level (MSL), a minimum IFR vectoring altitude of 3,200 feet MSL is authorized in an area between 315° and 330° magnetic extending from 15 nautical miles to 25 nautical miles from the Dulles Airport radar site. By lowering the floor of the transition area as proposed herein, the minimum vectoring altitude would be reduced from 3,200 to 3,000 feet MSL, conserving a cardinal altitude for en route traffic.

Interested parties 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 parties 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 Birch Hollow, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Birch Hollow, Va., 700-foot-floor transition area as follows:

BIRCH HOLLOW, VA.

That airspace extending upward from 700 feet above the surface within an area 7 miles east of and parallel to, and 14 miles west of and parallel to the Martinsburg, W. Va., 140° radial extending between the Martinsburg, W. Va., and Herndon, Va., VORTACs.

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

Issued in Jamaica, N.Y., on June 24, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-10048 Filed 7-14-71;8:57 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-87]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Culpeper, Va., transition area.

A new VOR-A instrument approach procedure developed for Culpeper Municipal Airport, Culpeper, Va., requires designation of a 700-foot-floor transition area to provide controlled airspace for aircraft executing the procedure.

Interested parties 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 no-

tice 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 parties 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 Culpeper, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Culpeper, Va., 700-foot-floor transition area as follows:

CULPEPER, VA.

That airspace extending upward from 700 feet above the surface within the arc of a 6.5-mile-radius circle centered on Culpeper Municipal Airport (38°31'20" N., 77°51'40" W.) Culpeper, Va., extending clockwise from a 245° bearing to a 090° bearing from the center of the airport; within the arc of a 5.5-mile-radius circle centered on Culpeper Municipal Airport, extending clockwise from a 090° bearing to a 245° bearing from the center of the airport and within 2.5 miles each side of the Casanova VORTAC 178° radial, extending from the 6.5-mile-radius arc to the VORTAC, excluding the portion that coincides with the Midland, Va., 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 Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 1, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 71-10049 Filed 7-14-71; 8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[24 CFR Part 242]

[Docket No. R-71-127]

MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

Proposed Inclusion of Proprietary Hospitals

Pursuant to sections 211 and 242 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715z-7), section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and the Secretary's delegation of authority (36 F.R. 5006, Mar. 16, 1971), it is proposed to amend Part 242 of the regulations governing mortgage insurance for nonprofit hospitals. The proposal would implement section 110 of the Housing and Urban Development Act of 1970 (84 Stat. 1772), which amended section 242 of the Act to expand the program of

mortgage insurance for nonprofit hospitals to cover mortgages financing new or rehabilitated proprietary hospitals.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before August 17, 1971, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The principal revisions are as follows: The title of the subchapter, "Subchapter Q-1—Mortgage Insurance for Nonprofit Hospitals", is being changed to "Subchapter Q-1—Mortgage Insurance for Hospitals".

The title of the part, "Part 242—Nonprofit Hospitals", is being changed to "Part 242—Hospitals".

Subpart A, "Eligibility Requirements", is being revised as follows:

In § 242.1(b)(3), the definition of "Hospital" is being revised to include a proprietary facility.

Section 242.23 is being amended to add a profit mortgagor as a mortgagor eligible for mortgage insurance.

Section 242.51 is being revised to provide separate procedures with respect to prepayment privilege and prepayment charges for profit mortgagors, under paragraph (a), and nonprofit mortgagors, under paragraph (b). Paragraph (b)(1) permits, with the prior written approval of the Commissioner, partial prepayments by nonprofit mortgagors for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term, and paragraph (b)(2)(iii) provides that no prepayment charge shall be made where the prepayment is made from the proceeds of a Federal grant.

Section 242.51(c), regarding late charges, is being redesignated as § 242.52.

Section 242.57(b) is being revised to provide separate procedures with respect to the use of a letter of credit in lieu of certain cash deposits for profit mortgagors, under subparagraph (1), and nonprofit mortgagors, under subparagraph (2).

Section 242.67(b), relating to waiver of compliance with certain labor standards in the case of donated services, has been amended to limit its applicability to private nonprofit hospitals.

Subpart B, "Contract Rights and Obligations", is being revised as follows:

Section 242.251, regarding incorporation by reference, is being amended to delete the word "nonprofit".

Section 242.260 is being amended to delete the word "nonprofit" in order to make the insurance benefits applicable to all hospitals.

The proposed amendments to Part 242 are set out in full below:

SUBCHAPTER Q-1—MORTGAGE INSURANCE FOR HOSPITALS

PART 242—HOSPITALS

Subpart A—Eligibility Requirements

Sec.

242.51 Prepayment privilege and prepayment charges.

242.52 Late charge.

§ 242.1 Definitions.

(b) "Hospital" means a facility—

(3) Which is a proprietary facility, or facility of a private nonprofit corporation or association, licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located).

§ 242.23 Eligible mortgagors.

The mortgagor shall be either a private nonprofit corporation or association or a profit mortgagor, shall be approved by the Commissioner, and shall possess the powers necessary and incidental to operating a hospital.

§ 242.51 Prepayment privilege and prepayment charges.

(a) *Profit mortgagors.* In the case of a profit mortgagor, the following provisions shall be applicable:

(1) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

(2) *Prepayment charge.* The mortgage may contain a provision for such charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee subject to the following:

(i) The mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any 1 calendar year without any such charge.

(ii) Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(b) *Nonprofit mortgagors.* In the case of a nonprofit mortgagor, the following provisions shall be applicable:

(1) *Prepayment privilege.* The mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior written consent is obtained and upon such terms and conditions as the Commissioner may prescribe. With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(2) *Prepayment charge.* The mortgage may contain a provision for such charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee, subject to the following:

(i) The mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any 1 calendar year without any such charge.

(ii) Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(iii) No charge shall be made where the prepayment is made from the proceeds of a Federal grant.

§ 242.52 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 242.57 Funds and finances—insured advances—general requirements.

(b) *Letter of credit*—(1) *Profit mortgagors.* In the case of a profit mortgagor, the mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraph (a)(2) of this section.

(2) *Nonprofit mortgagors.* In the case of a nonprofit mortgagor, the mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraphs (a)(1) and (2) of this section. If a letter of credit is accepted in lieu of the cash deposit required by paragraph (a)(1) of this section, the mortgage proceeds may be advanced prior to any demand being made on the letter of credit.

§ 242.67 Labor standards.

(b) *Waiver of compliance with contract requirements—nonprofit mortgagors.* In the case of a nonprofit mortgagor, the Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the hospital, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amounts saved through such donated services.

§ 242.251 Incorporation by reference.

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on hospitals insured under section 242

of the National Housing Act, except the following: Section 207.259 *Insurance benefits.*

§ 242.260 Insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits apply to mortgages on hospitals insured under this subpart, except that in a case where the mortgage involves the financing or refinancing of an existing hospital pursuant to § 242.93 and the commitment for insuring such mortgage is issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of \$50, with any balance less than \$50 to be paid in cash.

Issued at Washington, D.C., July 12, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing
Production and Mortgage Credit.

[FR Doc. 71-10059 Filed 7-14-71; 8:52 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23307; EDR 199B]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Realignment of Lease Accounting and Reporting and Provision for Quarterly Statements Related to Funds and Financial Commitments; Supplemental Notice of Proposed Rule Making

JULY 13, 1971.

The Board, by circulation of notice of proposed rule making EDR-199 dated April 22, 1971, and publication at 36 F.R. 8052, gave notice that it had under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241) which would realign the carrier rent account and the treatment of long-term leases for accounting and reporting, and would provide for quarterly statements of sources and applications of funds and impending financial commitments. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before June 1, 1971. Subsequently, by supplemental notice of proposed rule making EDR-199A dated May 14, 1971, 36 F.R. 9030, the time for filing comments was extended to July 15, 1971.

By letter dated July 12, 1971, the Air Transport Association on behalf of carrier members has requested a further extension of time for filing comments to July 22, 1971. According to ATA, this additional time is required to incorporate into the comment which it intends to file certain recommendations acceptable to the carrier members.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 22, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CARROLL A. CAHEN,
Acting Associate General Counsel,
Rules and Rates.

[FR Doc. 71-10103 Filed 7-14-71; 8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

[21 CFR Part 420]

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

Zineb; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Inter-regional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Minnesota, North Dakota, South Dakota, and Wisconsin, submitted a petition (PP 1E1098) proposing establishment of a tolerance of 1 part per million for residues of the fungicide zineb (zinc ethylenebis(dithiocarbamate)) in or on the raw agricultural commodity potatoes.

Subsequently, the petitioner amended the petition by proposing a tolerance of 0.5 part per million for residues of zineb in or on potatoes.

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

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. This pesticide chemical is useful for the purpose for which the tolerance is being established.

2. The proposed tolerance will not be objectionable from the standpoint of effects on fish and wildlife.

3. There is no reasonable expectation of residues of zineb in meat, milk, poultry, and eggs from the proposed use. This use is classified in the category specified in § 420.6(a)(3).

4. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 420.115 be

amended by adding a new paragraph "0.5 part per million * * *" to the end of the section, as follows:

§ 420.115 Zineb; tolerances for residues.

0.5 part per million in or on potatoes.

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

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, 1626

K Street NW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: July 12, 1971.

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

[FR Doc.71-10060 Filed 7-14-71;8:52 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

BANK HOLDING COMPANIES

Miscellaneous Amendments

The document proposing amendments to § 222.2 of Regulation Y (F.R. Doc. 71-

9678), published in the FEDERAL REGISTER on July 9, 1971, at 36 F.R. 12915, is corrected as follows:

1. In proposed § 222.2(b) (2) "controls at least 5 percent" is changed to "owns at least 5 percent";

2. In proposed § 222.2(b) (3) "(1)" before the text is deleted;

3. In proposed § 222.2(c) (1) and (2) "paragraph (b) (1) and (2)" is changed to "paragraph (b)"; and

4. In proposed § 222.2(c) (2) "section 2(c) (2) (C) of the Act" is changed to "section 2(a) (2) (C) of the Act".

Board of Governors of the Federal Reserve System, July 8, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-10084 Filed 7-14-71;8:53 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 97, Rev. 10]

ASSISTANT COMMISSIONER (COMPLIANCE) ET AL.

Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32, dated November 18, 1953; and Treasury Department Order No. 150-36, dated August 17, 1954 (C.B. 1954-2, 733):

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods or relating to the performance of his functions as the competent authority in the administration of the operating provisions of the tax conventions of the United States.

4. Regional Commissioners; Assistant Regional Commissioners (Appellate); Assistant Regional Commissioners (Audit); District Directors; Director of International Operations; Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the U.S. Tax Court) to enter into and approve a written agreement with any person relating to the internal revenue tax liability

of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners; Assistant Regional Commissioners (Appellate); Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the U.S. Tax Court to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, and under Revenue Procedure 69-13, C.B. 1969-1, 402, and to enter into and approve a written agreement providing for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833.

7. The authority delegated herein does not include the authority to set aside any closing agreement.

8. Authority delegated in this Order may not be redelegated, except that the Assistant Commissioner (Technical) may redelegate the authority contained in paragraph 2 to the Deputy Assistant Commissioner (Technical) and to the Technical Advisors on the Staff of the Assistant Commissioner (Technical) for cases that do not involve precedent issues.

9. Delegation Order No. 97 (Rev. 9) issued November 23, 1970, IRB No. 1971-2 dated January 11, 1971, 26, is hereby superseded.

Issued: July 14, 1971.

Effective date: July 14, 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner.

[FR Doc.71-10069 Filed 7-14-71;8:53 am]

ROYAL WILLIAM DAVIS

Notice of Granting of Relief

Notice is hereby given that Royal William Davis, 1005 Wisconsin Avenue, Boscobel, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 7, 1965, in the Circuit Court

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

Notice is hereby given that I have considered Royal W. Davis' application and:

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

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

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

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

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

[FR Doc.71-10070 Filed 7-14-71;8:53 am]

RICHARD SCHMIEDEKNECHT

Notice of Granting of Relief

Notice is hereby given that Richard Schmiedeknecht, 1108 Castner Drive, Berrien Springs, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 2, 1948, in the Circuit Court for the County of Muskegon, Mich., of a crime punishable by imprisonment for a

term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Schmiedeknecht because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard Schmiedeknecht to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard Schmiedeknecht's application and:

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

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

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

Signed at Washington, D.C., this 2d day of July 1971.

[SEAL] HAROLD T. SWARTZ,
*Acting Commissioner
of Internal Revenue.*
[FR Doc.71-10071 Filed 7-14-71;8:53 am]

Office of the Secretary

[Treasury Dept. Order 107, Rev. 14]

DIRECTOR OF CENTRAL SERVICES ET AL.

Delegation of Authority To Affix Seal of the Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 (Revised), it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

- (a) In the Office of Central Services:
- (1) Director of Central Services.
 - (2) Chief, Communications and Personal Property Division.
 - (3) Chief, Printing and Reproduction Division.
 - (4) Chief, Records Management Branch.
 - (5) Chief, Directives Control and Distribution Section.
- (b) In the Internal Revenue Service:
- (1) Commissioner of Internal Revenue Service.
 - (2) Assistant Commissioner (Compliance) and Deputy Assistant Commissioner (Compliance).
 - (3) Chief, and Assistant Chief, Disclosure Staff, Office of Assistant Commissioner (Compliance).
 - (4) Director and Technical Advisor, Alcohol, Tobacco and Firearms Division.
 - (5) Assistant Director (Criminal Enforcement), and Technical Advisors, Alcohol, Tobacco and Firearms Division.
 - (6) Chief, Firearms and Explosives Branch, Alcohol, Tobacco and Firearms Division.
 - (7) Chief, Technical Services Section, Firearms and Explosives Branch, Alcohol, Tobacco and Firearms Division.
- (c) In the Bureau of Customs:
- (1) Commissioner of Customs.
 - (2) Deputy Commissioner of Customs.
 - (3) Assistant Commissioner of Customs (Administration).
 - (4) Assistant Commissioner of Customs (Investigations).
 - (5) Assistant Commissioner of Customs (Operations).
 - (6) Assistant Commissioner of Customs (Regulations and Rulings).
- (d) In the Bureau of the Public Debt:
- (1) Commissioner of the Public Debt.
 - (2) Deputy Commissioner in Charge of the Chicago Office.
 - (3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Central Services, the Commissioner of Internal Revenue, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Treasury Department Order No. 107 (Revision No. 13) is superseded.

Dated: July 9, 1971.

[SEAL] ERNEST C. BETTS, Jr.,
*Assistant Secretary
for Administration.*

[FR Doc.71-10068 Filed 7-14-71;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 13339]

NEW MEXICO

Designation of Organ Mountain Recreation Lands; Correction

JULY 9, 1971.

In F.R. Doc. 71-7747 appearing on page 10888 of the FEDERAL REGISTER issue of Friday, June 4, 1971 (36 F.R. 10888),

the following corrections should be made:

In T. 23 S., R. 3 E., sec. 23, lot 3 should be eliminated; sec. 35, lots 7 and 8 should be added.

In T. 22 S., R. 4 E., sec. 31, lots 5, 6, and E $\frac{1}{2}$ NW $\frac{1}{4}$ should be added.

Change total area to approximately 27,329.01 acres.

W. J. ANDERSON,
State Director.

[FR Doc.71-10031 Filed 7-14-71;8:49 am]

SUPERVISORY PUBLIC SERVICE SPECIALIST, PUBLIC AFFAIRS STAFF, COLORADO STATE OFFICE

Redelegation of Authority

JULY 1, 1971.

1. Pursuant to the authority contained in Section 1.1 of BLM Order No. 701 (29 F.R. No. 147, July 29, 1964), as amended, authority is hereby redelegated to the Supervisory Public Service Specialist and the Public Service Specialist to take action on all matters listed in Section 2.2(c).

2. The Supervisory Public Service Specialist may, by written order, designate any qualified employee to perform the functions of his position in the absence of both he and the Public Service Specialist. Such order will be approved by the State Director.

3. *Effective date.* This redelegation will become effective July 16, 1971.

E. I. ROWLAND,
State Director.

Approved:

JOHN O. CROW,
Associate Director.

[FR Doc.71-10086 Filed 7-14-71;8:53 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved October 13, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 1

SAN BERNARDINO, MERIDIAN, CALIFORNIA
T. 2 S., R. 18 E.
Sec. 6, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Secs. 7, 8;
Sec. 14, W $\frac{1}{2}$;
Secs. 15, 17 to 22 inclusive;
Sec. 23, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$;
Secs. 26 to 30 inclusive;
Sec. 31, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 32 to 35 inclusive.

T. 2 S., R. 19 E.,
 Sec. 1;
 Sec. 12, N $\frac{1}{2}$, SE $\frac{1}{4}$.
 T. 2 S., R. 20 E.,
 Secs. 6, 7;
 Sec. 18, N $\frac{1}{2}$.
 T. 3 S., R. 18 E.,
 Sec. 1, W $\frac{1}{2}$;
 Secs. 2, 3;
 Sec. 4, N $\frac{1}{2}$;
 Sec. 10, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 11;
 Sec. 12, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 13, 14;
 Sec. 15, E $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 24, 25;
 Sec. 26, E $\frac{1}{2}$, SW $\frac{1}{4}$.
 T. 3 S., R. 19 E.,
 Sec. 1;
 Sec. 2, E $\frac{1}{2}$;
 Sec. 10, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 11, to 15, inclusive.
 Sec. 17, W $\frac{1}{2}$;
 Sec. 18;
 Sec. 19, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 22, N $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 24, excluding mineral survey.
 Sec. 25, N $\frac{1}{2}$;
 Sec. 30, W $\frac{1}{2}$;
 Sec. 31, W $\frac{1}{2}$, SE $\frac{1}{4}$.
 T. 3 S., R. 20 E.,
 Sec. 5, S $\frac{1}{2}$;
 Sec. 6, S $\frac{1}{2}$;
 Secs. 7, 8;
 Sec. 13, SW $\frac{1}{4}$;
 Secs. 17, 18;
 Sec. 19, excluding mineral survey
 Secs. 20, to 23 inclusive.
 Sec. 24, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 25 to 30 inclusive.
 Sec. 31, N $\frac{1}{2}$;
 Sec. 32, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 33 to 35 inclusive.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
 Assistant Land Office Manager.

[FR Doc. 71-9968 Filed 7-14-71; 8:46 am]

CALIFORNIA

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JULY 8, 1971.

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CALIFORNIA PROTRACTION DIAGRAM NO. 2
 SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 S., R. 17 E.,
 Sec. 13, E $\frac{1}{2}$;

Sec. 24, E $\frac{1}{2}$;
 Sec. 25, E $\frac{1}{2}$.
 T. 4 S., R. 18 E.,
 Secs. 1, 2;
 Sec. 3, E $\frac{1}{2}$;
 Sec. 10, E $\frac{1}{2}$;
 Secs. 11 to 15, inclusive.
 Secs. 17 to 23, inclusive.
 Sec. 24, excluding mineral survey.
 Secs. 25 to 35 inclusive.
 T. 4 S., R. 19 E.,
 Sec. 5, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 6, 7, 8;
 Sec. 13, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 17 to 20 inclusive.
 Sec. 24, E $\frac{1}{2}$;
 Sec. 25, E $\frac{1}{2}$;
 Sec. 29, N $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 30, 31.
 T. 4 S., R. 20 E.,
 Secs. 1, 2, and 3, excluding mineral surveys;
 Sec. 4, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$;
 Sec. 10, N $\frac{1}{2}$, excluding mineral surveys;
 Secs. 11, 12, and 13, excluding mineral surveys;
 Sec. 14;
 Sec. 18, S $\frac{1}{2}$;
 Sec. 19;
 Sec. 20, S $\frac{1}{2}$;
 Sec. 23, N $\frac{1}{2}$;
 Sec. 24, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 29 to 33, inclusive;
 Sec. 34, W $\frac{1}{2}$.
 T. 5 S., R. 17 E.,
 Sec. 1, E $\frac{1}{2}$;
 Sec. 12, E $\frac{1}{2}$;
 Sec. 13, E $\frac{1}{2}$.
 T. 5 S., R. 18 E.,
 Secs. 1 to 15, inclusive;
 Secs. 17 to 24, inclusive;
 Sec. 25, NW $\frac{1}{4}$;
 Sec. 26, N $\frac{1}{2}$;
 Sec. 27, N $\frac{1}{2}$;
 Sec. 28, 29;
 Sec. 30, N $\frac{1}{2}$, SE $\frac{1}{4}$.
 T. 5 S., R. 19 E.,
 Secs. 1 to 15, inclusive;
 Secs. 17 to 35, inclusive.
 T. 5 S., R. 20 E.,
 Secs. 1 to 15 inclusive;
 Secs. 17 to 35, inclusive.
 T. 5 S., R. 21 E.,
 Sec. 18, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 19;
 Sec. 20, W $\frac{1}{2}$;
 Sec. 29, W $\frac{1}{2}$;
 Secs. 30, 31;
 Sec. 32, W $\frac{1}{2}$, SE $\frac{1}{4}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room F-2820, Sacramento, CA 95825 and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
 Assistant Land Office Manager.

[FR Doc. 71-9969 Filed 7-14-71; 8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

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Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 3
 SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 3 S., R. 21 E.,
 Sec. 13, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 14, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$;
 Sec. 19, S $\frac{1}{2}$;
 Sec. 20, SE $\frac{1}{4}$;
 Sec. 21, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 22 to 30, inclusive;
 Sec. 31, excluding mineral surveys;
 Secs. 32, 33, 34;
 Sec. 35, excluding mineral surveys.
 T. 3 S., R. 22 E.,
 Sec. 10, SE $\frac{1}{4}$;
 Sec. 11, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 12 to 15, inclusive;
 Secs. 19 to 35, inclusive.
 T. 3 S., R. 23 E.,
 Sec. 7;
 Sec. 8, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 17 to 20, inclusive;
 Sec. 29, W $\frac{1}{2}$;
 Sec. 30, 31;
 Sec. 32, W $\frac{1}{2}$.
 T. 4 S., R. 21 E.,
 Sec. 1;
 Sec. 2, N $\frac{1}{2}$, SE $\frac{1}{4}$, excluding mineral surveys;
 Sec. 5, SW $\frac{1}{4}$, excluding mineral surveys;
 Secs. 6, and 7, excluding mineral surveys;
 Sec. 8, W $\frac{1}{2}$;
 Sec. 12, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 17, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Sec. 18, excluding mineral surveys;
 Sec. 19;
 Sec. 20, N $\frac{1}{2}$, SW $\frac{1}{4}$.
 T. 4 S., R. 22 E.,
 Sec. 4, W $\frac{1}{2}$;
 Secs. 5 to 8, inclusive;
 Sec. 9, W $\frac{1}{2}$;
 Secs. 17 to 20, inclusive;
 Sec. 21, W $\frac{1}{2}$;
 Sec. 28, W $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 29 to 32, inclusive;
 Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$.
 T. 4 S., R. 23 E.,
 Secs. 1 to 15, inclusive;
 Secs. 17 to 35, inclusive.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
 Assistant Land Office Manager.

[FR Doc. 71-9970 Filed 7-14-71; 8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved October 13, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become

the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTOR DIAGRAM No. 4
SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 1 S., R. 21 E.,
Secs. 4, 5, 6;
Sec. 7, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 8;
Sec. 9, N $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 1 S., R. 22 E.,
Sec. 13, SW $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 15, 21 to 23, inclusive;
Sec. 24, W $\frac{1}{2}$;
Sec. 25, W $\frac{1}{2}$;
Secs. 26, 27;
Sec. 28, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 35.
- T. 1 S., R. 23 E.,
Sec. 24, S $\frac{1}{2}$;
Sec. 25, excluding mineral surveys;
Sec. 26, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$;
Sec. 33, E $\frac{1}{2}$;
Secs. 34, 35.
- T. 2 S., R. 22 E.,
Secs. 1, 2;
Sec. 3, NE $\frac{1}{4}$;
Secs. 11, 12, 13, 14;
Sec. 23, E $\frac{1}{2}$, NW $\frac{1}{4}$;
Sec. 24;
Sec. 25, N $\frac{1}{2}$, SE $\frac{1}{4}$.
- T. 2 S., R. 23 E.,
Secs. 1 to 15, excluding Indian Reservation;
Secs. 17 to 20, excluding Indian Reservation;
Secs. 22, 23;
Sec. 24, W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$.
- T. 2 S., R. 24 E.,
Sec. 6, excluding Colorado River Indian Reservation.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9971 Filed 7-14-71; 8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved September 9, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. in the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTOR DIAGRAM No. 20
SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 16 N., R. 6 E.,
Sec. 1, excluding mineral survey;
Secs. 2 to 6 inclusive;
Sec. 7, N $\frac{1}{2}$;
Sec. 8, NE $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 10, 11;
Secs. 12 and 13, excluding mineral surveys;
Secs. 14, 15;
Sec. 16, NE $\frac{1}{4}$;
Sec. 22, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 23 to 26, inclusive;
Sec. 27, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 33, E $\frac{1}{2}$;
Secs. 34, 35.
- T. 16 N., R. 7 E.,
Sec. 2, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 3, 4, 5;
Secs. 6 and 7, excluding mineral surveys;
Secs. 8 to 15, inclusive;
Secs. 17 to 34, inclusive;
Sec. 35, N $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 16 N., R. 8 E.,
Sec. 1, excluding mineral survey;
Sec. 2, N $\frac{1}{2}$, SE $\frac{1}{4}$, excluding mineral survey;
Sec. 3, NE $\frac{1}{4}$.
- T. 17 N., R. 6 E.,
Secs. 1 to 4, inclusive;
Secs. 5 to 8, inclusive, excluding mineral surveys;
Secs. 9 to 15, inclusive;
Secs. 17 to 35, inclusive;
- T. 17 N., R. 7 E.,
Sec. 4, S $\frac{1}{2}$;
Sec. 5, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 6 to 9, inclusive;
Sec. 15, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 17 to 22, inclusive;
Secs. 27 to 34, inclusive.
- T. 17 N., R. 8 E.,
Sec. 21, SE $\frac{1}{4}$;
Sec. 22, S $\frac{1}{2}$;
Sec. 23, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 24;
Secs. 25 and 26, exclusive of mineral surveys;
Sec. 27;
Sec. 28, E $\frac{1}{2}$;
Sec. 33, NE $\frac{1}{4}$;
Secs. 34, 35.

Copies of this diagram are for sale at two dollars (\$2.00) each by Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9972 Filed 7-14-71; 8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

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at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTOR DIAGRAM No. 21
SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 18 N., R. 6 E.,
Sec. 26, S $\frac{1}{2}$;
Sec. 27, S $\frac{1}{2}$;
Sec. 28, S $\frac{1}{2}$;
Sec. 29, S $\frac{1}{2}$;
Sec. 30, S $\frac{1}{2}$;
Sec. 31, excluding mineral survey;
Secs. 32 to 35, inclusive.
- T. 18 N., R. 7 E.,
Sec. 1, N $\frac{1}{2}$;
Sec. 2, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 3, 4, & 5;
Sec. 6, SE $\frac{1}{4}$;
Sec. 7 & 8;
Sec. 9, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$;
Sec. 17, N $\frac{1}{2}$, SW $\frac{1}{4}$.
- T. 19 $\frac{1}{2}$ N., R. 6 E.,
Secs. 31 to 35, inclusive.
- T. 19 $\frac{1}{2}$ N., R. 7 E.,
Secs. 31 to 35, inclusive.
- T. 19 $\frac{1}{2}$ N., R. 8 E.,
Secs. 3 to 35, inclusive excluding mineral surveys.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9973 Filed 7-14-71; 8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

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CALIFORNIA PROTRACTOR DIAGRAM No. 26
SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 11 S., R. 3 E.,
Secs. 25 to 30, inclusive;
Secs. 32 to 35, inclusive.
- T. 12 S., R. 1 E.,
Sec. 1, S $\frac{1}{2}$;
Secs. 12, 13;
Sec. 24, N $\frac{1}{2}$.
- T. 12., R. 3 E.,
Sec. 3, W $\frac{1}{2}$;
Sec. 4.

T. 13 S., R. 3 E.,
Sec. 3, NW $\frac{1}{4}$;
Sec. 4, N $\frac{1}{2}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9974 Filed 7-14-71;8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

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CALIFORNIA PROTRACTION DIAGRAM No. 27
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 1 E.,
Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
Secs. 4 to 10 inclusive;
Secs. 14, 15;
Sec. 18, W $\frac{1}{2}$;
Sec. 19, W $\frac{1}{2}$;
Sec. 22, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 23.

T. 10 S., R. 1 E.,
Secs. 30, 31, 32;
Sec. 33, W $\frac{1}{2}$;
Secs. 29 to 32, inclusive;
Sec. 33, W $\frac{1}{2}$.

T. 26 S., R. 35 E.,
Sec. 5, N $\frac{1}{2}$;
Sec. 6, N $\frac{1}{2}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9975 Filed 7-14-71;8:46 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

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accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 28
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 22 N., R. 4 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive;
T. 22 $\frac{1}{2}$ N., R. 4 E.,
Secs. 19 to 36, inclusive.
T. 22 $\frac{1}{2}$ N., R. 5 E.,
Secs. 19 to 35, inclusive.
T. 23 N., R. 4 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 35, inclusive.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9976 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 29
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 19 $\frac{1}{2}$ N., R. 5 E.,
Secs. 31 to 34, inclusive;
Secs. 35 and 36, excluding mineral surveys.
T. 20 N., R. 4 E.,
Secs. 1, 2, 3;
Sec. 4, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 6, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 11 to 14, inclusive;
Sec. 15, E $\frac{1}{2}$;
Sec. 18, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$;
Sec. 23, N $\frac{1}{2}$;
Sec. 24;
Sec. 30, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 31.

T. 20 N., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, excluding mineral survey;
Secs. 14, 15;
Secs. 17 to 20, inclusive;
Secs. 22 to 34, inclusive;
Secs. 35 and 36, excluding mineral surveys.

T. 20 N., R. 6 E.,
Sec. 1;
Secs. 2 and 3, excluding mineral surveys;
Secs. 4, 5, 6;
Sec. 7, excluding mineral survey;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, excluding mineral survey;
Secs. 19 to 35, inclusive.
T. 20 $\frac{1}{2}$ N., R. 4 E.,
Secs. 31 to 36, inclusive.
T. 21 N., R. 4 E.,
Secs. 1 to 9, inclusive;
Secs. 10 and 11, excluding mineral surveys;
Secs. 12 to 23, inclusive;
Sec. 24, excluding mineral survey;
Secs. 25 to 36, inclusive.
T. 21 N., R. 5 E.,
Secs. 1 to 18, inclusive;
Sec. 19, excluding mineral survey;
Secs. 20 to 31, inclusive;
Secs. 32 and 33, excluding mineral survey;
Secs. 34, 35;
Sec. 36, excluding mineral survey.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9977 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 36
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 N., R. 5 E.,
Secs. 10, 13, 14, 15;
Secs. 17 to 35, inclusive.
T. 5 N., R. 3 E.,
Sec. 7;
Sec. 8, W $\frac{1}{2}$;
Sec. 16, SW $\frac{1}{4}$;
Sec. 17, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 18, 19, 20;
Sec. 21, W $\frac{1}{2}$;
Sec. 29, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 30, 31, 32;
Sec. 34, E $\frac{1}{2}$;
Sec. 35, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 36, SW $\frac{1}{4}$.
T. 5 N., R. 4 E.,
Sec. 26, SW $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$;
Sec. 35, W $\frac{1}{2}$.

Copies of this diagram are for sale at two dollar (\$2.00) each by the Cadastral

Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA, 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9978 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 38

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 12 N., R. 7 E.,
Secs. 1 to 5, inclusive;
Sec. 6, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 12, 13, 24, 25.
T. 12 N., R. 8 E.,
Sec. 2, W $\frac{1}{2}$;
Secs. 3 to 10, inclusive;
Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 17, 18;
Sec. 19, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 31, N $\frac{1}{2}$, SW $\frac{1}{4}$.
T. 13 N., R. 6 E.,
Sec. 9, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 10 to 15, inclusive;
Sec. 22, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 23, 24, 25;
Sec. 26, N $\frac{1}{2}$, SE $\frac{1}{4}$.
T. 13 N., R. 7 E.,
Sec. 1;
Sec. 2, excluding mineral survey;
Secs. 3 to 10, inclusive;
Sec. 11, excluding mineral survey;
Secs. 12 to 15, inclusive;
Secs. 17 to 35, inclusive;
T. 13 N., R. 8 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 21, inclusive;
Secs. 28 to 34, inclusive;
Sec. 35, W $\frac{1}{2}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9979 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 41

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 1 N., R. 13 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N $\frac{1}{2}$;
Sec. 20, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 21 to 27, inclusive;
Sec. 28, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$;
Sec. 35, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 36.
T. 2 N., R. 11 E.,
Secs. 14 to 17, inclusive;
Sec. 20, E $\frac{1}{2}$, NW $\frac{1}{4}$;
Secs. 21 to 27, inclusive;
Sec. 28, E $\frac{1}{2}$, NW $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$;
Sec. 35, N $\frac{1}{2}$;
Sec. 36, N $\frac{1}{2}$.
T. 2 N., R. 12 E.,
Secs. 19, 20, 21;
Secs. 25 to 36, inclusive.
T. 2 N., R. 13 E.,
Sec. 29, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 30, 31, 32.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9980 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 46

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 12 N., R. 10 E.,
Secs. 1 to 3, inclusive;
Sec. 4, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 12, 13;
Sec. 19, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 30;
Sec. 31, N $\frac{1}{2}$, SW $\frac{1}{4}$.
T. 12 N., R. 11 E.,
Secs. 5, 7, 18;
Sec. 19, N $\frac{1}{2}$, SW $\frac{1}{4}$.
T. 13 N., R. 10 E.,
Sec. 33, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 34, 35.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9981 Filed 7-14-71;8:47 am]

CALIFORNIA

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CALIFORNIA PROTRACTION DIAGRAM No. 60

SAN BERNARDINO MERIDIAN, CALIFORNIA

- T. 1 S., R. 7 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 15, inclusive;
Sec. 24.
T. 1 S., R. 8 E.,
Secs. 1 to 24, inclusive;
Sec. 25, W $\frac{1}{2}$, NW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 27 to 30, inclusive;
Sec. 33;
Sec. 34, excluding mineral survey;
Sec. 36, E $\frac{1}{2}$.
T. 2 S., R. 9 E.,
Sec. 1;
Sec. 2, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 3, NW $\frac{1}{4}$;
Secs. 18, 19;
Sec. 20, W $\frac{1}{2}$;
Sec. 30, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 31;
Sec. 32, W $\frac{1}{2}$.
T. 18 N., R. 8 E.,
Sec. 10, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$;
Sec. 13, S $\frac{1}{2}$;
Sec. 14, W $\frac{1}{2}$, SE $\frac{1}{4}$;

CALIFORNIA PROTRACTOR DIAGRAM NO. 76
MOUNT DIABLO MERIDIAN, CALIFORNIA

Sec. 15, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$;
Sec. 24, N $\frac{1}{2}$;
T. 19 N., R. 6 E.,
Secs. 1 to 10, inclusive;
Sec. 11, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 12, N $\frac{1}{2}$;
Sec. 14, W $\frac{1}{2}$;
Secs. 15, 17 to 22, inclusive;
Sec. 27, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 28 to 32, inclusive;
Sec. 33, N $\frac{1}{2}$, SW $\frac{1}{4}$;
T. 19 N., R. 7 E.,
Secs. 1 to 9, inclusive;
Secs. 10 to 15, inclusive, excluding mineral surveys;
Secs. 17 to 23, inclusive;
Sec. 24, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$;
Sec. 27, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 28, 29;
Sec. 30, E $\frac{1}{2}$, NW $\frac{1}{4}$;
Sec. 32, SE $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$;
Sec. 34, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 35, W $\frac{1}{2}$, SE $\frac{1}{4}$;
T. 19 N., R. 8 E.,
Secs. 1, 2;
Sec. 3, excluding mineral surveys;
Secs. 4 to 9, inclusive;
Sec. 10, excluding mineral survey;
Secs. 11 to 15, inclusive;
Secs. 17 to 27, inclusive;
Sec. 29, N $\frac{1}{2}$;
Sec. 30, N $\frac{1}{2}$;
Sec. 4;
Sec. 5, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$;
Sec. 9;
Sec. 10, SW $\frac{1}{4}$;
Sec. 11, E $\frac{1}{2}$;
Secs. 12, 13;
Sec. 14, E $\frac{1}{2}$;
Sec. 15, NW $\frac{1}{4}$;
Sec. 16, N $\frac{1}{2}$;
Sec. 24, E $\frac{1}{2}$;
Sec. 25, E $\frac{1}{2}$, SW $\frac{1}{4}$;
Sec. 36.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9982 Filed 7-14-71;8:47 am]

CALIFORNIA

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T. 21 S., R. 45 E.,
Secs. 1, 2;
Secs. 3 and 4, excluding mineral surveys;
Secs. 5, 6, 7;
Secs. 8, 9, 10, 11, excluding mineral surveys;
Secs. 12, 13;
Secs. 14, 15, 16, excluding mineral surveys;
Secs. 17, 18, 19, 20, 21;
Secs. 22 and 23, excluding mineral surveys;
Secs. 24 to 36, inclusive.
T. 22 S., R. 44 E.,
Secs. 1, 2;
Sec. 3, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Secs. 10, 11, 12;
Sec. 13, excluding mineral survey;
Secs. 14, 15;
Sec. 22, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 23 to 26, inclusive;
Sec. 27, E $\frac{1}{2}$;
Secs. 35, 36.
T. 22 S., R. 45 E.,
Secs. 1 and 2, excluding mineral surveys;
Secs. 3 to 7, inclusive;
Secs. 8 and 9, excluding mineral surveys;
Sec. 10;
Secs. 11, 12, excluding mineral surveys;
Secs. 13 to 15, inclusive;
Sec. 16, excluding mineral surveys;
Secs. 17 to 36, inclusive.
T. 22 S., R. 46 E.,
Secs. 1 to 17, inclusive;
Sec. 18, excluding mineral survey;
Secs. 19 to 22, inclusive;
Secs. 23, 24, excluding mineral surveys;
Secs. 25 to 36, inclusive.
T. 22 S., R. 47 E.,
Secs. 17, 18, 19, and 20, excluding mineral surveys;
Secs. 29, 30;
Secs. 31 and 32, excluding mineral surveys.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9983 Filed 7-14-71;8:47 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved August 4, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTOR DIAGRAM NO. 81
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 22 N., R. 1 E.,
Sec. 19, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 30 to 33, inclusive;

Sec. 34, W $\frac{1}{2}$, SE $\frac{1}{4}$.
T. 22 N., R. 3 E.,
Secs. 1 to 36, inclusive.
T. 22 $\frac{1}{2}$ N., R. 3 E.,
Secs. 19 to 36, inclusive.
T. 23 N., R. 1 E.,
Secs. 1 to 36, inclusive.
T. 23 N., R. 3 E.,
Secs. 1, 2;
Secs. 3, excluding mineral survey;
Secs. 4 to 36, inclusive.
T. 23 N., R. 3 E.,
Secs. 1, 2, and 3, excluding mineral surveys;
Secs. 4 to 10, inclusive;
Secs. 11 and 12, excluding mineral surveys;
Sec. 13;
Sec. 14, excluding mineral survey;
Secs. 15 to 21, inclusive;
Secs. 22 and 23, excluding mineral surveys;
Secs. 24 to 26, inclusive.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
Assistant Land Office Manager.

[FR Doc.71-9984 Filed 7-14-71;8:47 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved August 4, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTOR DIAGRAM NO. 82
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 20 N., R. 1 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 20;
Sec. 21, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 22 to 27, inclusive;
Sec. 33, SE $\frac{1}{4}$;
Secs. 34, 35.
T. 20 N., R. 2 E.,
Secs. 1 to 35, inclusive.
T. 20 N., R. 3 E.,
Secs. 1 to 35, inclusive.
T. 20 $\frac{1}{2}$ N., R. 2 E.,
Secs. 31 to 36, inclusive.
T. 20 $\frac{1}{2}$ N., R. 3 E.,
Secs. 31 to 36, inclusive.
T. 21 N., R. 1 E.,
Secs. 3 to 10, inclusive;
Sec. 11, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Secs. 14 to 23, inclusive;
Sec. 26, N $\frac{1}{2}$, SW $\frac{1}{4}$;
Secs. 27 to 34, inclusive;
Sec. 35, W $\frac{1}{2}$.
T. 21 N., R. 2 E.,
Sec. 25, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26;

Sec. 27, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Sec. 33, E $\frac{1}{2}$, SW $\frac{1}{4}$;
 Secs. 34, 35, 36.
 T. 21 N., R. 3 E.,
 Secs. 1 to 4, inclusive;
 Sec. 5, E $\frac{1}{2}$, NW $\frac{1}{4}$;
 Sec. 9, N $\frac{1}{2}$, SE $\frac{1}{4}$;
 Secs. 10 to 14, inclusive;
 Sec. 15, N $\frac{1}{2}$, SE $\frac{1}{4}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
 Assistant Land Office Manager.

[FR Doc.71-9985 Filed 7-14-71;8:47 am]

CALIFORNIA

Notice of Filing of Protraction Diagram

JULY 8, 1971.

Notice is hereby given that effective August 16, 1971, the following protraction diagram, approved August 4, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM No. 83
 MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 S., R. 45 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 46 E.,
 Secs. 1 to 36, inclusive.
 T. 23 S., R. 47 E.,
 Secs. 5 and 6;
 Secs. 7 and 8;
 Secs. 17 to 20, inclusive;
 Secs. 29 and 32.
 T. 24 S., R. 45 E.,
 Secs. 1 to 10, inclusive;
 Sec. 11, excluding Tract No. 37;
 Secs. 12 to 36, inclusive.
 T. 24 S., R. 46 E.,
 Secs. 1 to 36, inclusive.
 T. 24 S., R. 47 E.,
 Secs. 5 to 8, inclusive;
 Sec. 17, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
 Sec. 18, N $\frac{1}{2}$, SE $\frac{1}{4}$.

Copies of this diagram are for sale at two dollars (\$2.00) each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, CA 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

WALTER F. HOLMES,
 Assistant Land Office Manager.

[FR Doc.71-9986 Filed 7-14-71;8:48 am]

[Serial No. Idaho 09518]

IDAHO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 9, 1971.

Notice of an application Serial No. I-09518 for withdrawal and reservation of lands was published in the August 20, 1958, issue of the FEDERAL REGISTER on page 6379 (23 F.R. 163). The applicant agency has canceled its application as to the former Priest Lake Ranger Station (now Bismark Work Center) insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on July 24, 1971, relieved of the segregative effect of the above-mentioned applications.

The lands involved in this notice of termination are:

KANIKSU NATIONAL FOREST
 BOISE MERIDIAN, IDAHO

Bismark Work Center (formerly Priest Lake Ranger Station)

T. 61 N., R. 5 W.,
 Sec. 14, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 22, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
 NW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 220 acres in Bonner County.

E. D. BARNES,
 Acting Chief,
 Division of Technical Services.

[FR Doc.71-10038 Filed 7-14-71;8:50 am]

Office of the Secretary OCALA NATIONAL FOREST, FLA.

Suspension of Operations and Production on Oil and Gas Leases

In accordance with the provisions of section 39 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. § 209) and 43 CFR 3103.3-8(a), I hereby direct that all operations and production be suspended in the interest of conservation on all Federal oil and gas leases issued under the Mineral Leasing Act of 1920, as amended (30 U.S.C. §§ 181-263), or the Mineral Leasing Act for Acquired Lands (30 U.S.C. §§ 351-359) and lying, in whole or in part, within the outer boundaries of the Ocala National Forest, Fla.

This suspension shall be effective on July 7, 1971, and shall terminate at midnight July 6, 1972. In accordance with the provisions of section 39, supra, and 43 CFR 3103.3-8, no payment of rental will be required during the period of suspension and the term of each lease subject to this order will be extended by

a period equal to the period during which the suspension is in effect.

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

JULY 7, 1971.

[FR Doc.71-10015 Filed 7-14-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and
 Conservation Service

AGREEMENT WITH MOHAIR COUNCIL OF AMERICA, INC.

Determination of Producers' Approval in Referendum

Pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), a referendum was held among producers of mohair in the United States to determine whether they approved a proposed new agreement by the Secretary of Agriculture with the Mohair Council of America, Inc., for developing and conducting mohair advertising and sales promotion programs and for deductions from payments to such producers to be made pursuant to the Act for the marketing years 1971, 1972, and 1973. Notice of the referendum (36 F.R. 5146) published March 17, 1971, included the text of the proposed agreement.

In the referendum held pursuant to the notice 81.3 percent of the voting producers who were engaged in the production of mohair for market (i.e., anyone who, continuously during a single period of at least 30 days during the calendar year 1970, owned in the U.S. Angora goats 6 months of age or older) voted in favor of the agreement, and the producers voting in favor owned 79 percent of the Angora goats owned by all the voting producers. The 1970 calendar year is a representative period of production.

Accordingly, I hereby determine that the agreement has the approval of the number of producers required by the National Wool Act of 1954 since more than two-thirds of the total number of producers, and producers of more than two-thirds of the total volume of production, represented in the referendum, indicated approval of the agreement.

I have this day signed the agreement and it became effective upon my signature.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on July 7, 1971.

J. PHIL CAMPBELL,
 Acting Secretary.

[FR Doc.71-10034 Filed 7-14-71;8:49 am]

Consumer and Marketing Service ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Consumer and Marketing Service in section 40 of the Statement of Organization and Delegations appearing at 29 F.R. 16212, the Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service appearing at 33 F.R. 10750 is hereby superseded by the following Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service.

ORGANIZATION AND FUNCTIONS

SECTION 1. General. The Consumer and Marketing Service was created as the Agricultural Marketing Service by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. The name was changed to the Consumer and Marketing Service on February 8, 1965. The central office of C&MS is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to C&MS are published at 34 F.R. 19474, dated December 9, 1969, 35 F.R. 1023, dated January 24, 1970, 35 F.R. 19701, dated December 29, 1970, 36 F.R. 3385, dated February 23, 1971 and 36 F.R. 3809, dated March 27, 1971. All functions and authorities delegated to C&MS by the Secretary are subject to the provisions of sections 1-40 of the Statement of Organization and Delegations at 29 F.R. 16210 et seq.

Sec. 2. The Office of the Administrator.—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to the Agency. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agency.

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading and classing of agricultural commodities; market news, expansion of market outlets, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, U.S. Grain Standards Act, programs and related activities involving the Agricultural Marketing Act of 1946, as amended, Export Apple and Pear, Naval Stores, Export Grape and Plum, Processed and Renovated Butter, the Tobacco Seed and Plant Exportation, Tobacco Inspection, Tobacco Statistics, U.S. Cotton Standards, and Egg Products Inspection Acts;

assigned defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C. and by field offices of these Divisions, by the Matching Fund Program Staff and Plentiful Foods Program Staff.

(c) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Plant Variety Protection, Produce Agency, Cotton Research and Promotion, Agricultural Fair Practices, Wheat Research and Promotion, and Potato Research and Promotion Act; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and one functional Division (Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators and fruit and vegetable marketing orders which are administered by Administrative committees in the field.

(d) *Deputy Administrator, Meat and Poultry Inspection.* The Deputy Administrator for Meat and Poultry Inspection is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS; and

(2) Directing and coordinating the administration of the Meat and Poultry Inspection Program and related activities involving the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and other related programs and activities. This program is carried out by three functional Divisions (Field Operations, Laboratory Services, and Standards and Services), and one Staff (Program Review and Compliance), located at Washington, D.C., and by regional and field offices of these Divisions and Staff.

(e) *Deputy Administrator, Management.* The Deputy Administrator, Management is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of C&MS;

(2) Directing and coordinating the administration of the overall adminis-

trative management programs of the Agency including financial management, personnel, and administrative services, statistical services, and automated data processing, as necessary to meet the requirements of the consumer and marketing programs of the Agency, and assigned civil defense mobilization, and related programs and activities. These programs and activities are carried out by the Automated Data Systems Staff and Statistical Services Staff and Administrative Services, Financial Management, and Personnel Divisions, located at Washington, D.C., and by field branch offices of the Administrative Services and Personnel Divisions; and

(3) Civil rights program coordination in the Consumer and Marketing Service.

Sec. 3. Information Division. The Information Division, under the direction and supervision of the Administrator, is responsible for planning and administering a public information program involving the activities of the Agency and by arrangement, the Food and Nutrition Service. In addition to the central office located at Washington, D.C., this program is carried on through Regional Offices.

Sec. 4. Planning and Evaluation Staff. The Planning and Evaluation Staff, under the direction and supervision of the Administrator is responsible for coordinating the planning and evaluation functions related to the determination and accomplishment of goals and objectives of the Agency.

Sec. 5. Marketing Services and Regulatory Programs. The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse Division, Matching Fund Program Staff, and the Plentiful Foods Program Staff, under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services and Regulatory Programs are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulations, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of the Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended, section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by

the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; processed and renovated butter, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Processed and Renovated Butter Act; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities; expansion of market outlets, marketing guides for vegetables including potatoes and sweet potatoes, and related programs for fruits and vegetables, their products and other assigned commodities; the Produce Agency Act, as amended; Perishable Agricultural Commodities Act of 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Potato Research and Promotion Act; Agricultural Fair Practices Act of 1967, and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned;

(3) Executing assigned defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading) marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and other commodities as assigned; administering the U.S. Grain Standards Act, as amended; the Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Wheat Research and Promotion Act; Agricultural Fair Practices Act

of 1967; Plant Variety Protection Act; and other authorities;

(2) Planning and administering marketing agreement and other programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned;

(3) Executing assigned defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, and grading), surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets for meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities; and

(2) Executing assigned defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, marketing guides for poultry and eggs, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Administering the Egg Products Inspection Act;

(3) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(4) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(5) Executing assigned defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products, and by-products, naval stores, and related commodities as authorized by the Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended; Tobacco Seed and Plant Ex-

portation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(h) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, except with respect to improvement of transportation service, facilities and rates for the export of agricultural commodities and farm supplies which involves action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involves working directly with individual ocean carriers or groups of such carriers, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in planning, directing, and coordinating activities and operations assigned C&MS with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(i) *Plentiful Foods Program Staff.* The Plentiful Foods Program Staff is responsible for:

(1) Planning and administering programs designed to expand markets for foods which are in plentiful supply; facilitating and increasing the movement of plentiful foods to consumers through normal channels of trade; and

(2) Executing assigned defense mobilization activities.

(j) *Matching Fund Program Staff.* The Matching Fund Program Staff is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Department of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund programs with the overall Federal-State marketing program.

Sec. 6. Meat and Poultry Inspection Program. The Field Operations Division, Laboratory Services Division, Standards and Services Division, and the Program Review and Compliance Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Meat and Poultry Inspection Program, are responsible as follows:

(a) *Field Operations Division.* The Field Operations Division is responsible for:

(1) Implementing a field inspection program, both domestic and foreign, to assure that under the Federal Meat Inspection Act, as amended; and the Poultry Products Inspection Act, as amended; that meat, poultry, and related products are not adulterated or misbranded;

(2) Granting, refusing, suspending, or withdrawing inspection services;

(3) Providing technical counsel and assistance to State Meat and Poultry Inspection Programs and conducting reviews as provided for pursuant to 21 U.S.C. 661;

(4) Administering a program for training of Federal, State, and other personnel engaged in these activities; and

(5) Executing assigned defense mobilization activities.

(b) *The Laboratory Services Division.* The Laboratory Services Division is responsible for administering laboratory support activities performed for Federal, State, and Foreign Meat and Poultry Inspection Programs.

(c) *The Standards and Services Division.* The Standards and Services Division is responsible for administering a program for the development of standards, regulations, procedures, and instructions relating to:

(1) The inspection, or exemption from inspection, of meat, poultry, and related products;

(2) The approval of plants, facilities and equipment, programs in environmental control, sanitation, and inspector safety.

(3) The establishment of product standards for meat, poultry, and related products; and

(4) The marking, labeling, and packaging of meat, poultry, and related products.

(d) *Program Review and Compliance Staff.* The Program Review and Compliance Staff administers review and compliance programs which contribute to effective internal direction of the meat and poultry inspection program, and compliance by the meat and poultry and related industries with this program.

This includes responsibility to carry out or initiate the following authorities provided by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended:

(1) Federal Meat Inspection Act, as amended, 21 U.S.C. 641, 642, 643, 644, 645, 661(a)(2), 672, 673, 675, 676, and 677.

(2) Poultry Products Inspection Act, as amended, 21 U.S.C. 454(a)(2), 460, 461, 463, 467a, 467b, and 467d.

Sec. 7. Management Services. The Administrative Services, Financial Management, and Personnel Divisions, Statistical Services Staff, and the Automated Data Systems Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement and supply, real and personal property, communications, directives, forms, records, reports, manual systems, and related management services programs necessary to meet requirements of the overall programs and activities of C&MS;

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents and contracts under the Agricultural Marketing Act of 1946, as amended;

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and Title VI civil rights activities in the Agency.

(b) *Financial Management Division.* The Financial Management Division is responsible for:

(1) Planning and administering the financial management and related programs necessary to meet the requirements of the overall programs and activities of the Agency;

(2) Developing, installing, and revising accounting systems, methods, and procedures for the agency including administrative committees and market administrators operating under marketing agreements and orders assigned to the Agency.

(d) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, position classification, wage and salary, manpower utilization and position management, employment, employee relations, labor management relations, training, award, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of the Agency.

(e) *Automated Data Systems Staff.* The Automated Data System Staff is responsible for planning and administering an automated data systems program to meet the overall requirements and needs of the Agency.

(f) *Statistical Services Staff.* The Statistical Services Staff is responsible for providing leadership, coordination, analyses, and services in mathematical and statistical applications as they relate to

the overall programs and activities of the Agency.

DELEGATIONS OF AUTHORITY

Sec. 8. Deputy Administrators. The Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; the Deputy Administrator, Meat and Poultry Inspection; and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Consumer and Marketing Service herein or hereafter assigned to him;

(1) The Deputy Administrator, Regulatory Programs is hereby delegated the authority to designate Market Administrators and Committees administering market agreements and order programs;

(2) The Deputy Administrator, Marketing Services, is hereby delegated the authority to consider and determine appeals from findings of fact of contracting officers within the scope of any disputed provisions, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contracted under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress; and

(3) The Deputy Administrator, Regulatory Programs, is hereby delegated the authority to consider and determine appeals involving coercion or conspiracy by Agricultural Commodity handlers against a producer in the exercise of his right to join and belong to a cooperative under the Agricultural Fair Practices Act of 1967.

Sec. 9. Information Division. The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

Sec. 10. Planning and Evaluation Staff. The Director of the Planning and Evaluation Staff is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

Sec. 11. Marketing Services, Regulatory, Meat and Poultry Inspection, Management Services Division. The Directors

of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse, Field Operations, Laboratory Services, Standards and Services Divisions, the Program Review and Compliance Staff, Matching Fund Program Staff, and the Plentiful Foods Program Staff are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators. The Directors of the Administrative Services, Financial Management, and Personnel Divisions, and the Automated Data Systems Staff, and Statistical Services Staff are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators.

Sec. 12. Concurrent Authority and Responsibility to the Administrator. No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator. The Officers to whom authority is delegated herein shall (a) maintain close working relationships with the Officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of the Agency or other Governmental or private organizations or groups.

Sec. 13. Prior Authorizations and Delegations. All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

Sec. 14. Reservation of Authority. (1) There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the approval of regu-

lations relating to the travel of seasonal inspectors.

(2) There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the authority to issue subpoenas relating to the efficient administration and enforcement of the Federal Meat Inspection Act, as amended, and Poultry Products Inspection Act, as amended, pursuant to 15 U.S.C. 49 as authorized by 21 U.S.C. 677 and 21 U.S.C. 467d.

AVAILABILITY OF INFORMATION AND RECORDS

Sec. 15. Availability of information and records. Any person desiring information or to make submittals or requests with respect to the programs and functions of the Agency should address his request to the Director of the particular Division or Office, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of the Agency and its Divisions and offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title 7, Chapter II, Part 295, Subpart—Public Information.

Issued at Washington, D.C., this 24th day of June 1971.

CLAYTON YEUTER,
Administrator.

[FR Doc.71-10032 Filed 7-14-71; 8:49 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 40-1B, Amdt. 1]

BUREAU OF DOMESTIC COMMERCE

Organization and Functions

Department Organization Order 40-1B of February 14, 1971, is hereby amended as follows:

1. In section 4. *Office of Domestic Business Policy*:

a. Paragraph .04, The "Trade Adjustment Assistance Division" is deleted.

b. Paragraphs .05 through .07 are renumbered .04 through .06, respectively.

2. A new section 5 is added to read:

Sec. 5. Office of Trade Adjustment Assistance. The Office of Trade Adjustment Assistance shall recommend policies and procedures of adjustment assistance to minimize the adverse effects on industry of import competition and shall administer the trade adjustment assistance program.

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Office shall also perform the following specific functions:

a. Establish guidelines and procedures to govern submission and processing of requests by firms for certification of eligibility to apply for adjustment assistance under section 302(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq., the Act);

b. Prepare recommendations for action by the Assistant Secretary for Domestic and International Business on requests from firms for certification of eligibility to apply for adjustment assistance under section 302 (b)(1) and (c) of the Act;

c. Establish guidelines and procedures to govern submission and processing of applications by firms for adjustment assistance under section 311 of the Act;

d. Render guidance and assistance to firms in the preparation of proposals for adjustment assistance under section 311 of the Act;

e. Prepare recommendations for action by the Secretary on proposals for adjustment assistance submitted by firms under sections 311 and 317 of the Act;

f. As appropriate, refer certified adjustment proposals to Federal agencies for action and maintain follow-up on such referrals;

g. Furnish financial and/or technical assistance to firms whose adjustment proposals have been certified by the Secretary, if an agency to which an adjustment proposal has been referred notifies the Director of its determination not to furnish technical or financial assistance;

h. Establish procedures for investigation of a firm's progress in implementing adjustment proposals for which adjustment assistance has been provided under the Act;

i. Perform investigations as necessary to insure compliance by firms receiving adjustment assistance with requirements of the Act and implementing regulations; and

j. Administer such regulations as may be necessary to assure the adequacy and effectiveness of the program for trade adjustment assistance, subject to applicable provisions of Title III of the Act and such directions as the Secretary or the Assistant Secretary for Domestic and International Business may prescribe.

3. Sections 5 through 8 are renumbered sections 6 through 9, respectively.

4. The organization chart of February 14, 1971, is superseded by the chart attached to this amendment. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: June 22, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-10065 Filed 7-14-71; 8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

HEALTH STANDARDS FOR SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE MINES

Notice of Public Hearing

Whereas, on January 7, 1971, proposed mandatory health standards for surface

coal mines and surface work areas of underground coal mines were published in the FEDERAL REGISTER (30 CFR Part 71, 36 F.R. 252); and

Whereas, the Secretary of the Interior has published a notice specifying that prior to the last day of the period fixed for the submission of comments, he received written objections to the standards, stating the grounds for such objections with sufficient particularity and requesting a public hearing on such objections (36 F.R. 12245).

Now, therefore, pursuant to section 101(g) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811 (g)), a public hearing will begin at 9 a.m., e.d.t., on August 17, 1971, in Room 5169 of the Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC, for the purpose of receiving relevant evidence on the following issues:

Dust standards. 1. That the proposed 2 mg/m³ respirable dust standard in section 71.100 should not take effect on the effective date of the regulations and that a period of time should be permitted to achieve the standard.

2. That the requirement in § 71.106(d) that upon receipt of a notice of violation an operator shall take continuous samples until advised by the Bureau of Mines that compliance has been achieved be modified to permit the operator, after taking 10 samples, to cease sampling until notified by the Bureau of Mines that sampling is to be resumed.

3. That §§ 71.107 and 71.108 should be revised to permit annual sampling whenever a basic sample or a subsequent sample establishes a concentration of respirable dust which is 1 milligram or less per cubic meter of air.

Airborne Contaminants. That the threshold limit values in the American Conference of Governmental Industrial Hygienists publication be considered guidelines rather than standards.

Surface Bathing Facilities, Change Rooms, and Sanitary Toilet Facilities. That operators not be required to meet specified requirements for above-ground bathing facilities, change rooms, and sanitary toilet facilities.

Sanitary Toilet Facilities at Surface Work Sites. That operators of surface mines be required only to provide one approved sanitary toilet within 1,000 feet of each surface work site where miners are regularly employed.

Drinking Water. That operators be required only to provide an adequate supply of potable water for drinking purposes and that such water be carried, stored, and otherwise protected in sanitary containers.

Stanley J. Reno, Acting Deputy Director, National Institute for Occupational Safety and Health is designated as the Chairman of the hearing.

The hearing shall be conducted in an informal, orderly manner. Persons making statements need not be sworn or make affirmation. Each party shall be given an opportunity to make a statement concerning the issues under consideration,

an opportunity to make supplementary statements which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendations concerning the issues in any of his statements. Any party may appear in person or by counsel.

A verbatim transcript of the proceedings of hearing sessions will be maintained. All written statements, charts, tabulations, and other data shall be received in the record. The Chairman shall submit to the Secretary the verbatim transcript, including all charts, tabulations, and other exhibits that are part of the hearing record, together with recommended findings of fact. Within 60 days after the completion of the hearings, findings of fact concerning the issues presented at the hearing will be made public. Thereafter, mandatory health standards for surface work areas of underground coal mines and surface mines, with such modifications as are appropriate, will be transmitted to the Secretary of the Interior for promulgation.

Interested persons who wish to participate in the hearing shall apply in writing to Stanley J. Reno, Chairman, Room 15-59, 5600 Fishers Lane, Rockville, MD 20852, not later than 10 days preceding the hearing, stating the issues upon which the person wishes to be heard and the time requested.

Dated: July 13, 1971.

VERNON E. WILSON,
Administrator,

[FR Doc. 71-10107 Filed 7-14-71; 8:53 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-88]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Board Action

The Hazardous Materials Regulations Board is proposing taking action with respect to several special permits which authorize the bulk rail shipment of propylene in DOT Specification 112A340W and 114A340W tank cars.

As a part of the course of its usual regulatory activity, the Board evaluates special permits which have been outstanding for a period of several years, with the view to incorporating successful provisions into the Hazardous Materials Regulations by amendment. The Board has evaluated the permits noted above, authorizing use of the Specifications 112A340W and 114A340W tank cars for shipment of propylene. Existing regulatory provisions for propylene only permit use of a tank having a test pressure equal to or greater than that of the Specification 112A400W car.

Although there has been no accident history accompanying the permits in

question, the Board believes that the standard design relationship between a pressure car's test pressure and its authorized operating pressure should be preserved as a principle of transportation safety. Section 173.314(d) of the Hazardous Materials Regulations prescribes that, "The gas pressure * * * at 115° F. in any uninsulated tank car of the DOT-112AW and 114AW class * * * must not exceed three-fourths times the prescribed retest pressure of the tank * * *." The vapor pressure of propylene at 115° F. is at least 259 p.s.i.g., and exceeds the upper limit of 255 p.s.i.g. prescribed for the Specifications 112A340W and 114A340W tank cars. The Board is of the opinion that this exceeds the intended design safety factor of the Specifications 112A340W and 114A340W tank cars, and should not be authorized in the regulations by amendment or continued under special permits.

The Board is proposing, therefore, that all permits authorizing the use of the Specification 112A340W and 114A340W tank cars for propylene be terminated within a reasonable period of time. After that termination date, proposed to be June 30, 1972, bulk rail shipment of propylene would only be authorized in tank cars having at least the test pressure of the DOT Specification 112A400W car. New permits would be issued until that date and existing permits would be renewed until that date, but all permits would be terminated simultaneously on June 30, 1972.

Information and advice are specifically requested regarding the Board's position that the 75 percent relationship between tank test pressure and operating pressure should be carefully preserved. In addition, data relating to the direct impact of this proposal on the permit holders and the public, including cost analyses and statistics on the availability of Specification 112A400W cars, would be very helpful to the Board in reaching its final decision in this matter.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before October 12, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C. on July 9, 1971.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

[FR Doc. 71-10037 Filed 7-14-71; 8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22628; Order 71-7-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Fare Matters**

Issued under delegated authority July 9, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted for early effectiveness as a result of the Fourth Meeting of the Passenger Traffic Procedures Committee, April 20-23, 1971, in Geneva.

The agreement incorporates a new worldwide resolution which would have the effect of liberalizing, in certain circumstances, adherence by passengers to minimum-stay requirements attached to the use of special or discounted fares.¹ The resolution would permit carriers (1) to waive, in the event of a passenger's death en route, the minimum-stay requirement for immediate family members or other persons actually accompanying the deceased passenger, and (2) to make refund, upon presentation of a death certificate, of any additional payment required for an earlier return journey by persons in the event of a death of an immediate family member not accompanying the passenger.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22494, R-1, are adverse to the public interest or in violation of the Act: IATA resolutions:

- 104 (PTPC) 277a.
- 204 (PTPC) 277a.
- 304 (PTPC) 277a.

Accordingly, it is ordered, That:

Action on Agreement CAB 22494, R-1, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

¹ Currently, a person compelled to return to his originating point before a stipulated turnaround time would not be eligible for the reduced fare on any part of the journey; the price of the ticket would then be recomputed from the point of origin to destination and back, and the passenger would have to pay the difference between the discounted fare and the regular fare.

This order will be published in the FEDERAL REGISTER.

[SEAL]

HARRY J. ZINK,
Secretary.

[FR Doc.71-10062 Filed 7-14-71;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY**E. I. DU PONT DE NEMOURS & CO., INC.****Methomyl; Notice of Establishment of Temporary Tolerance**

The E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, submitted a petition requesting a temporary tolerance for residues of the insecticide methomyl (S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate) in or on cottonseed at 5 parts per million.

It has been determined that a temporary tolerance of 5 parts per million for residues of the insecticide in or on cottonseed will protect the public health and will have no adverse effects on fish and wildlife.

It is therefore established as requested on condition that the insecticide is used in accordance with the temporary permits being issued concurrently by the Pesticides Regulation Division of the Environmental Protection Agency and which provide for distribution under the E. I. du Pont de Nemours & Co. name.

This temporary tolerance expires July 12, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: July 12, 1971.

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

[FR Doc.71-10061 Filed 7-14-71;8:52 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 574]

DEDHAMSHIP AGENCIES, INC.**Order of Revocation**

JULY 9, 1971.

By letter dated June 7, 1971, Dedhamship Agencies, Inc., 11 Broadway, New York, NY, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 574 would be automatically revoked or suspended unless a valid surety bond was

filed with the Commission on or before July 6, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Dedhamship Agencies, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of Dedhamship Agencies, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Dedhamship Agencies, Inc. be and is hereby revoked effective July 6, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Dedhamship Agencies, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-10052 Filed 7-14-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-138]

ALABAMA-TENNESSEE NATURAL GAS CO.**Notice of Existing Curtailment Procedures**

JULY 9, 1971.

Take notice that on May 20, 1971, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) filed a written report, pursuant to paragraph (A) (2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it " * * * does not anticipate any deficiency on its system in the volumes of gas which it will require to meet its maximum delivery obligations to its customers in the 1971-72 heating season."

Alabama-Tennessee states that it does not anticipate any deficiency because there will be available to it from its supplier volumes of gas equivalent to the total demand on its system.

While Alabama-Tennessee does not anticipate making curtailments below contract demand, it states that in the event curtailment of gas deliveries should be required for any reason, its existing FPC gas tariff on file with the Commission provides sufficiently for such a program and will enable it to effectuate the Commission's policy as set forth in Order No. 431.

Section 10 of the General Terms and Conditions provides that firm direct industrial customers shall have equal priority with firm resale customers and that interruptible deliveries made to direct industrial customers shall have the lowest priority.

Section 11.3 of the General Terms and Conditions provides for apportionment of gas as follows:

11.3 *Proration of impaired deliveries.* If due to any cause whatsoever the capacity for deliveries from Seller's transmission line is impaired so that Seller is unable to deliver to Buyer the total volume of natural gas provided in the executed Service Agreement between Seller and Buyer, then, subject to the provisions of section 10, Buyer shall be entitled to such proportion of the total impaired deliveries from such line as the firm quantities of gas deliverable to Buyer from such line bears to the total quantity of firm gas deliverable from such line immediately prior to such impairment: *Provided, however,* That any such apportionment of available gas shall be subject to the valid laws, orders, rules, and regulations of duly constituted authorities having jurisdiction.

Although Alabama-Tennessee's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to Alabama-Tennessee's existing tariff provisions governing curtailments of service should on or before July 28, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Alabama-Tennessee's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10020 Filed 7-14-71;8:48 am]

EL PASO NATURAL GAS CO.

Notice of Motion for Modification of Order Permitting Tracking of Purchased Gas Increases

JULY 9, 1971.

Take notice that El Paso Natural Gas Co. on June 30, 1971, filed in Docket No. RP71-14 a motion for modification of the Commission's order, issued October 30, 1970, insofar as it gives El Paso authority to file rate increases and decreases to reflect increases or decreases in the cost of purchased gas for its Northwest Division System, computed in accordance with the provisions of that

order and subject to the conditions contained therein.

The proposed modification would change the expiration date of El Paso's tracking authority from December 31, 1971, to November 1, 1971 (the effective date of the tracking authority which El Paso requests in its rate increase filing of June 30, 1971 for the Northwest Division System in Docket No. RP71-137), or such later date as the "Sumas IV contract" becomes effective, but in no event beyond December 31, 1971. El Paso states that the reason for the proposed modification is to avoid an overlap of the tracking authorization which it seeks in that docket on the tracking authority provided in the October 30, 1970, order.

Copies of the motion were served on all parties to Dockets Nos. RP71-13 and RP71-14, El Paso's Northwest Division distributor customers and interested state commissions.

Answers or comments relating to the motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before July 23, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10022 Filed 7-14-71;8:48 am]

[Docket No. CP71-313]

HOME GAS CO.

Notice of Application

JULY 9, 1971.

Take notice that on June 25, 1971, Home Gas Co. (applicant), 800 Union Trust Building, Pittsburgh, PA 15219, filed in Docket No. CP71-313, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the sale and delivery of natural gas to certain existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has received requests from three of its customers for increased volumes of natural gas to enable them to meet their peak day requirements for the 1971-72 winter heating season, and that it presently has unallocated capacity totaling 13,000 Mcf per day in the general area of these customers. Therefore, applicant proposes to increase sales and deliveries to the following customers on November 1, 1971:

	Authorized delivery Mcf/day	Proposed delivery Mcf/day
Columbia Gas of New York, Inc.	107,800	110,100
Central Hudson Gas & Elec- tric Corp.	14,000	16,000
Orange & Rockland Utilities, Inc.	30,400	43,000

Applicant states that no new facilities will be required to render the additional service proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 2, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10017 Filed 7-14-71;8:48 am]

[Docket No. CP72-1]

LOUISIANA GAS INTRASTATE, INC., OF SHREVEPORT

Notice of Application

JULY 9, 1971.

Take notice that on July 2, 1971, Louisiana Gas Intrastate, Inc., of Shreveport (applicant), 1414 Mid-South Towers, Shreveport, LA 71101, filed in Docket No. CP72-1 an application pursuant to the Commission's Order No. 431, issued in Docket No. R-418 on April 15, 1971, for a limited term certificate of public convenience and necessity authorizing the operation of existing facilities and the sale of natural gas to United Gas Pipe Line Co. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that to help alleviate an emergency supply situation existing on United's system, it began the delivery of natural gas to United on June 2, 1971, pursuant to § 2.68 of the Commission's general policy and interpretations

(18 CFR 2.68), for a period of 60 days. Applicant requests authorization to continue this sale and delivery of up to 45,000 Mcf of natural gas per day at the rate of 35 cents per Mcf, for the limited term from August 1, 1971, to July 31, 1972, at interconnections of its facilities with those of United at points in Bienville Parish, La.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-10018 Filed 7-14-71;8:48 am]

[Docket No. RI72-5]

ROBERT MOSBACHER

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

JULY 7, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

(APPENDIX A)

criminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf ¹		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI72-5.....	Robert Mosbacher.....	22	3	American Louisiana Pipe Line Co.	\$13,706	6-7-71	7-23-71	12.25	12.25	

¹ Pressure base is 15.025 p.s.i.a. ² Temporarily certificated rate.

The proposed rate exceeds the applicable area just and reasonable ceiling determined in Opinions Nos. 546 and 546-A. Consistent with Commission action on similar increased rate filings exceeding such ceiling, the proposed rate is suspended for 45 days from the date of filing.

[FR Doc.71-10018 Filed 7-14-71;8:48 am]

[Docket No. RP72-1]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Change in FPC Gas Tariff

JULY 9, 1971.

Take notice that on July 1, 1971, Tennessee Gas Pipeline Co. (Tennessee) filed changes in its FPC gas tariff pursuant to sections 4(e) of the Natural Gas Act to be effective August 1, 1971. The proposed tariff revisions would increase charges for jurisdictional sales by 0.37 cent per Mcf. Based on test year sales as contained in Tennessee's filing at Docket No. RP71-6, this change would result in an increase in charges to jurisdictional customers of \$4,649,953, annually.

The company states the change in its tariff is necessary to recover the company's increased purchased gas expense resulting from producers' increased annual rates allowed by Commission Order No. 595, issued May 6, 1971, determining just and reasonable rates for gas produced in the Texas Gulf Coast area. Tennessee states that calculated on the test year purchase pattern contained in Tennessee's filing at Docket No. RP71-6, this additional expense amounts to \$4,649,953, annually.

Copies of the proposed tariff changes were served on Tennessee'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 July 26, 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,
Secretary.

[FR Doc.71-10019 Filed 7-14-71;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.:
Temporary Reg. D-29]

SECRETARY OF THE INTERIOR

Delegation of Authority

1. *Purpose.* This regulation delegates leasing authority to the Secretary of the Interior for special purpose and related space and land incidental to its use to be leased near Sioux Falls, S. Dak.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This delegation shall expire 20 years from the effective date of the lease covering the space to be leased or upon the Government's purchase of the leased premises, whichever is earlier.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of the Interior to perform all functions in connection with the future leasing of special purpose and related space and land incidental to its use near Sioux Falls, S. Dak., for use by the Geological Survey as part of the Earth Resources Observation Satellite (EROS) Program.

b. This delegation of authority shall include authority to (1) secure a facility through lease construction, (2) thereafter modify and amend said lease and assign and reassign the space, and (3) operate, maintain, control, and protect the property.

c. The Secretary of the Interior may redelegate this authority to the Director of the Geological Survey or any other officer, official, or employee of the Department of the Interior.

d. This authority shall be exercised in accordance with the limitations and requirements of the above-cited Act, section 322 of the Economy Act of June 30, 1932 (40 U.S.C. 278a), as amended, and other applicable statutes and regulations.

Dated: July 8, 1971.

ROD KREGER,
Acting Administrator
of General Services.

[FR Doc.71-10063 Filed 7-14-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5044]

ARKANSAS POWER & LIGHT CO.

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

JULY 9, 1971.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, AR 72203, a subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, from time to time during the period, commencing on the effective date of this declaration and continuing through May 31, 1973, unsecured short-term promissory notes, of a maturity of not more than 9 months, to various commercial banks and/or to a dealer in commercial paper. The aggregate principal amount of all such notes, including the commercial paper, to be outstanding at any one time will not exceed \$45 million. The proceeds from the issue and sale of the notes will be used in financing Arkansas' construction program and for other corporate purposes. Arkansas' construction expenditures are estimated to be \$130,400,000 for 1971, \$116,400,000 for 1972, and \$137,300,000 for 1973. Arkansas expects to retire all of the proposed notes not later than February 28, 1974, out of funds available from operations or derived from the issuance and sale of similar securities or long-term debt and/or equity securities.

The notes proposed to be issued and sold to banks will be in the form of unsecured promissory notes payable not more than 9 months from the date of issue with right of renewal, will bear interest at the prime rate in effect at the lending bank at the date of issue or renewal or from time to time depending upon the requirements of the lending bank, and will, at the option of Arkansas, be prepayable, in whole or in part, at any time without premium or penalty. While no commitments have been made, it is expected that the banks to which such notes will be issued and sold and the maximum amount to be issued and outstanding at any one time to each such bank will be substantially as follows:

First National Bank of Eastern Arkansas, Forrest City, Ark.....	\$200,000
Arkansas Bank & Trust Co., Hot Springs, Ark.....	500,000
Arkansas First National Bank, Hot Springs, Ark.....	300,000
The Commercial National Bank, Little Rock, Ark.....	600,000
First National Bank in Little Rock, Ark.....	2,000,000
Union National Bank, Little Rock, Ark.....	1,000,000
Worthen Bank & Trust Co., Little Rock, Ark.....	1,800,000
Manufacturers Hanover Trust Co., New York, N.Y.....	20,000,000
National Bank of Commerce, Pine Bluff, Ark.....	600,000
Simmons First National Bank, Pine Bluff, Ark.....	4,800,000
Peoples Bank & Trust Co., Russellville, Ark.....	200,000
Total	\$32,000,000

The filing states that, except as indicated above, Arkansas will not effect borrowings from banks pursuant to this declaration until it shall have filed an amendment hereto setting forth the name or names of the banks from which such other borrowings are to be effected and the amounts thereof and such borrowings shall have been authorized by order of the Commission.

The proposed commercial paper will not exceed \$25 million outstanding at any one time and will be issued and sold with varying maturities not to exceed 270 days to a dealer in commercial paper. The commercial paper will be sold at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality of that particular maturity. The commercial paper will be in denominations not less than \$50,000 and will not be payable prior to maturity. The filing states that the rate for commercial paper will not exceed the commercial bank rate which, on the date of issue, Arkansas could obtain from commercial banks on notes of equal principal amounts, except for commercial paper of a maturity not exceeding 60 days issued to refund outstanding commercial paper if, in Arkansas' judgment, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

No commission or fee will be payable by Arkansas in connection with the issuance and sale of the commercial paper. The dealer, as principal, will reoffer and sell the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the prevailing discount rate to the company in such a manner as not to constitute a public offering. The dealer is reoffering the commercial paper will limit the reoffer and sale to a non-public customer list of not more than 100 buyers of commercial paper. The filing states that it is anticipated that the commercial paper will be held by the buyers to maturity; however, the dealer may, if desired by a buyer, repurchase

the commercial paper for resale to others on the list of customers.

Arkansas requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of commercial paper. The company states that the proposed commercial paper will have a maturity not in excess of 270 days, that current rates for commercial paper for such prime borrowers as Arkansas are published daily in financial publications, and that it is not practical to invite bids for commercial paper.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that the fees and expenses to be incurred in connection therewith are estimated not to exceed \$2,000.

Notice is further given that any interested person may, not later than July 29, 1971, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective in the manner provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.
[FR Doc. 71-10024 Filed 7-14-71; 8:49 am]

[File No. 500-1]

COMPUTER STATISTICS, INC.
Order Suspending Trading

JULY 8, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Computer Statistics, Inc. (a Texas corporation), and all other securities of Computer Statistics, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1971, 3 p.m., e.d.t., through July 17, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.
[FR Doc. 71-10027 Filed 7-14-71; 8:49 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.
Order Suspending Trading

JULY 2, 1971.

The common stock, 2 cents par value and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1971, through July 15, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.
[FR Doc. 71-10026 Filed 7-14-71; 8:49 am]

[70-5045]

MICHIGAN WISCONSIN PIPE LINE CO.
Notice of Proposed Issue and Sale of Notes to Banks

JULY 9, 1971.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, a subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell to a group of banks, from time to time commencing in August 1971, pursuant to lines of credit, up to an aggregate of \$75 million principal amount of promissory notes to be outstanding at

any one time. The notes will be dated as of the date of issue and will mature on August 31, 1972. The notes will be issued in varying amounts and at various dates as funds are required. Each note will bear interest at the prime rate in effect at the First National City Bank, New York, N.Y. (First National) on the date of issue and will be adjusted to the prime rate in effect at First National at the beginning of each 90-day period subsequent to the date of the first borrowing. In connection with the lines of credit, Michigan Wisconsin is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately 1 percent above the prevailing prime rate (currently 5½ percent). There is no commitment fee, closing or other related charges payable to the banks in connection with the borrowings, and the notes may be prepaid at any time without penalty.

The proposed notes will be issued to the banks in amounts approximately pro rata with the amount of the line of credit set up with each bank and in the maximum respective amounts shown below:

First National City Bank, New York, N.Y.	\$18,500,000
Manufacturers Hanover Trust Co., New York, N.Y.	18,500,000
National Bank of Detroit, Detroit, Mich.	10,500,000
The Detroit Bank & Trust Co., Detroit, Mich.	9,800,000
Manufacturers National Bank of Detroit, Detroit, Mich.	7,000,000
First Wisconsin National Bank of Milwaukee, Milwaukee, Wis.	4,500,000
Marshall & Isley Bank, Milwaukee, Wis.	4,200,000
Marine National Exchange Bank, Milwaukee, Wis.	2,000,000
Total	75,000,000

Michigan Wisconsin proposes to use the proceeds from the sale of the notes to partially finance its 1971 construction program estimated at \$56 million, to make advance payments related to gas purchases, and to provide working capital. It is anticipated that the funds required to retire the notes ultimately will be obtained from additional long-term financing and funds generated internally. Michigan Wisconsin intends to make additional borrowings from banks on 9-month notes issued pursuant to the exemption provided by section 6(b) of the Act and funds thus obtained will be used to partially finance the purchase of gas placed in underground storage. Such borrowings will be paid as inventory gas is sold.

The application states that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be \$1,000, including legal fees of \$500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 29, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact

or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-10023 Filed 7-14-71; 8:49 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATE

Notice of Establishment

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans approved on or after July 1, 1971 pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: Eight and three-quarters (8¾%) per centum per annum. On immediate participation loans approved on or after July 1, 1971, the maximum interest rate shall be seven and three-quarters (7¾%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in paragraph 5 of Appendix 26 of the Small Business Administration's National Directive 510-1A, issued on June 29, 1971.

Effective date: July 1, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-10012 Filed 7-14-71; 8:51 am]

TARIFF COMMISSION

[TEA-W-100]

DETROIT STEEL CORP.

Worker's Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Portsmouth Division of Detroit Steel Corp., Portsmouth, Ohio, the U.S. Tariff Commission, on July 9, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with carbon steel wire rod and wire, and building mesh, pipe mesh, and road mesh made of such wire, all produced by said company are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 12, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-10075 Filed 7-14-71; 8:53 am]

INTERSTATE COMMERCE COMMISSION

[Notice 56]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 9, 1971.

The following applications are governed by Special Rule 100.247¹ 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

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

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 2193 (Sub-No. 5), filed June 7, 1971. Applicant: NEBRASKA CITY TRANSFER, 1215 Sixth Corsa, Post Office Box 532, Nebraska City, NE 68410. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a common

carrier, by motor vehicle, over regular and irregular routes, transporting: *Regular routes: General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Nebraska City and Omaha, Nebr., over U.S. Highway 75, serving the intermediate points of Plattsmouth and La Platte and the off-route points of Union, Murray, and Maynard; and (2) between Lincoln and Nebraska City, Nebr., over U.S. Highway 2, serving the intermediate points of Unadilla, Syracuse, Dunbar, and Peru and the off-route point of Julian. *Irregular route:* (1) Between points within a 25-mile radius of Nebraska City, Nebr., on the one hand, and, on the other, points within a 300-mile radius of Nebraska City, Nebr. NOTE: Applicant states that it proposes to tack the irregular route authority sought with regular route authority between Omaha and Nebraska City, Nebr. It further states that applicant holds a certificate of registration in MC 2193 (Sub-No. 3) which corresponds with the authority sought here. The purpose of this instant application is to convert that authority to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2488 (Sub-No. 9), filed June 18, 1971. Applicant: McFEELY TRUCKING, INC., 1037 Bacon Street, Erie, PA 16511. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Erie, Pa., to points in Ohio, West Virginia, and that part of New York on and west of U.S. Highway 11, and points in Chenango, Herkimer, and Oneida Counties, N.Y., under contract with Koppers Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 2860 (Sub-No. 100), filed June 14, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. 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: *Glass containers and closures* therefor, between Marienville, Elk Township, Knox, Parker, Brockway, and Washington, Pa., and Freehold and Millville, N.J., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, West Virginia, Virginia, and Tennessee. NOTE: Applicant states that tacking is feasible at the New Jersey and Pennsylvania points to and from New England and Middle Atlantic Territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2860 (Sub-No. 101), filed June 14, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Robert W. Gerson, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and pet food* (except in bulk), from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., located respectively at or near Golden Meadow, Lockport, and New Orleans, La., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, and Virginia. NOTE: Applicant states tacking possibilities exist 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 Washington, D.C. or New Orleans, La.

No. MC 3560 (Sub-No. 41), filed June 4, 1971. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Washington, D.C., and Amarillo, Tex., from Washington, D.C., over U.S. Highway 50 to junction Interstate Highway 81 at or near Winchester, Va., thence over Interstate Highway 81 to junction Interstate Highway 40 at or near Knoxville, Tenn., over Interstate Highway 40 to Amarillo, Tex., and return over the same route, restricted to the transportation of traffic received from or destined to connecting carriers at Amarillo, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 8989 (Sub-No. 216), filed June 14, 1971. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, MI 48904. Applicant's representative: Albert F. Beasley, 311 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, in truckaway service, from Linden, N.J., and Wilmington, Del., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 34), filed June 7, 1971. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, OH 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except those which because of size or weight require the use of special equipment), between the plantsites and warehouses of Alcan Aluminum Corp. at Fairmont, W.Va., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois (except points in the Chicago, Ill., commercial zone as defined by the Commission, and those in Cook County, Ill.), Indiana (except points in the Indianapolis, Ind., commercial zone as defined by the Commission, and those in that part of Indiana within the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan (except points in the Detroit, Mich., commercial zone as defined by the Commission), Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York (except points in the commercial zones of Wawarsing, Rouses Point, Alexandria Bay and Oswego, N.Y., as defined by the Commission), North Dakota, Ohio (except those in the Warren, Ohio, commercial zone as defined by the Commission), Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin (except those in the West Bend, Wis., commercial zone as defined by the Commission, and those in Milwaukee County, Wis.), and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Applicant further states that it presently is authorized to perform all the service sought herein under its authority MC 14702 and Subs thereto, and no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16682 (Sub-No. 82), filed June 17, 1971. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, NY 11101. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture, fixtures, and equipment*, between points in Clay and Greene Counties, Ark., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack with existing authorities.

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 19105 (Sub-No. 34), filed June 18, 1971. Applicant: FORBES TRANSFER COMPANY, INC., South Goldsboro Street Extension, Wilson, NC 27893. Applicant's representative: Vance T. Forbes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles and plastic materials*, consisting of articles of plastic or rubber expanded or other than expanded, including fiberglass and fiberglass products, including returned shipments by the consignee on return, from Wilson, N.C., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, and Virginia; and (2) *material and supplies* used in the manufacture of the above-named commodities, from the above-named destination points to Wilson, N.C., including returned shipments by the consignee, 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 Wilson or Raleigh, N.C., or Washington, D.C.

No. MC 19227 (Sub-No. 155), filed June 11, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. F. Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames, and manhole covers* (except those because of size or weight require the use of special equipment and except those described in Mercer extension—oil field commodities), from Swan, Tex., to points in Washington and Oregon. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Miami, Fla.

No. MC 19311 (Sub-No. 22), Filed June 11, 1971. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, MI 48212. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household foods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Inlay City, Mich., and the port of entry at Port Huron, Mich.: From Inlay City over Michigan Highway 21 to port of entry at Port Huron, and return over the same route, serving no intermediate

points, and restricted to the transportation of traffic moving from or to points in Canada. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 27817 (Sub-No. 93), filed June 16, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardeners, Pa., and Inwood, W. Va., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, 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 Harrisburg, Pa., or Washington, D.C.

No. MC 27965 (Sub-No. 3), filed June 14, 1971. Applicant: DAVIS TRANSPORTATION COMPANY, INC., 638 Massachusetts Avenue, West Acton, MA 01720. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, MA 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby carriages, baby strollers, baby bouncers, baby walkers, portable cribs, portable playpens, and new furniture and parts thereof*, from points in Worcester County, Mass., to points in New Jersey and points in New York on and east of U.S. Highway 15, including Rochester, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 30237 (Sub-No. 20), filed June 10, 1971. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 666, Altavista, VA 24517. Applicant's representative: W. Barney Arthur, Post Office Box 551, 513 Main Street, Altavista, VA 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines*, from Jamestown, N.Y., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30237 (Sub-No. 21), filed June 16, 1971. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 666, Altavista, VA 24517. Applicant's representative: W. Barney Arthur, Post Office Box 551, 513 Main Street, Altavista, VA 24517. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* as defined in appendix II to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Chautauga and Cattarugus Counties, N.Y., and Warren, McKean, Erie, and Luzerne, Pa., to points in Virginia and West Virginia. Note: Applicant states that the requested authority can be tacked at Altavista, Va., for service to all points in presently held authority under its Sub 18, wherein, applicant is authorized to serve points in Virginia, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa., or Washington, D.C.

No. MC 35628 (Sub-No. 319), filed June 14, 1971. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs, candy, cough drops, and chewing gum*, serving the plantsites of Beech-Nut, Inc., at Canajoharie and Fort Plain, N.Y., as off-route points in connection with applicant's presently authorized regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 44783 (Sub-No. 6), filed June 14, 1971. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, Post Office Box 563, Union Street, Mineral Ridge, OH 44440. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culverts, guard rails, and retaining walls*, from Girard, Ohio, and Neville Island, Pa., to points in Virginia. Note: Applicant states that the requested authority will be tacked at Girard, Ohio, and Neville Island, Pa., with presently held authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 45472 (Sub-No. 1), filed June 10, 1971. Applicant: BUTKEWICH TRUCKING CORP., 125-16 31st Avenue, Flushing, NY 11354. Applicant's representative: Arthur J. Piken, One Lafrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel electrical conduit pipe and fittings therefor*, unloaded by mechanical devices furnished by the carrier, from plantsite and facilities of Republic Steel Corp. at New York, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New

York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52657 (Sub-No. 684), filed June 14, 1971. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 121 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements in truckaway service from points in De Kalb County, Ala., to points in the United States except Hawaii; (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in secondary movements, in truckaway service between points in De Kalb County, Ala., on the one hand, and, on the other, points in the United States excluding Hawaii; (3) *trailer converter dollies, motor vehicle bodies, packers, cargo containers, refuse containers, storage containers, and material handling containers*, between points in De Kalb County, Ala., on the one hand, and, on the other, points in the United States excluding Hawaii; and (4) *materials, supplies, and parts* except commodities in bulk, used in the manufacture, assembly and servicing of the commodities described in paragraphs (1), (2), and (3) above, when moving in mixed loads with such commodities between points in De Kalb County, Ala., on the one hand, and, on the other, 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 Washington, D.C., or Chicago, Ill.

No. MC 56244 (Sub-No. 28), filed June 16, 1971. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, PA 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Biglerville and Gardners, Pa., and Inwood W. Va., to points in Pennsylvania, Missouri, Iowa, Illinois, Indiana, Kentucky, Michigan, Ohio, and New York, N.Y., Baltimore, Md., and points in West Virginia on and north of U.S. Highway 50. 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 Harrisburg, Pa., or Washington, D.C.

No. MC 59150 (Sub-No. 62), filed June 4, 1971. Applicant: PLOOF TRANSFER

COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage and water treatment systems and accessories*, from the plantsite of Defiance Co., Division of Davis Industries, Inc., at Picayune, Pearl River County, Miss., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, 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 Atlanta, Ga., or New Orleans, La.

No. MC 61979 (Sub-No. 13), filed June 18, 1971. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, NJ 07305. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Philadelphia Quartz Co., at Butler, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Philadelphia Quartz Co. Note: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 64808 (Sub-No. 10), filed June 14, 1971. Applicant: W. S. THOMAS TRANSFER, INC., Post Office Box 507, 1854 Morgantown Avenue, Fairmont, WV 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Harrison, Monongalia, Lewis, Taylor, Barbour, Upshur, Randolph, Preston, and Wetzel Counties, W. Va., on the one hand, and, on the other, points in Ohio and Maryland, and those in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly U.S. Highway 219), thence over U.S. Highway 6 to Kane, Pa., thence over unnumbered highway (formerly portion U.S. Highway 219) via East Kane, Sergeant, and Daboga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. Note: Applicant states that it has pending in MC-F-11114

an application to acquire general commodity authority from Baltimore, Md., to certain points in West Virginia. If acquired, this authority would be tacked at Grafton or Clarksburg, W. Va., to permit service from Baltimore, Md., to points in the described areas of Ohio, Maryland, and Pennsylvania. Applicant presently holds the authority sought by operating through the gateway of Fairmont, W. Va. The only purpose of this application is to remove the gateway and permit service via the most direct route. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charleston, W. Va.

No. MC 65802 (Sub-No. 48), filed June 1, 1971. Applicant: LYNDEN TRANSPORT, INC., Box 433, Lynden, WA 98264. Applicant's representative: Milton M. Souter, 1016 West Sixth Avenue, Suite 300, Anchorage, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods and commodities of unusual value), between Northway Junction, Alaska, and Northway, Alaska, serving all intermediate points: From Northway Junction, Alaska, over the Northway Cutoff to Northway, Alaska, and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 65941 (Sub-No. 34), filed June 9, 1971. Applicant: TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003. 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: *Petroleum products, vehicle body sealer, and sound deadening compounds* (except in bulk), from Congo and St. Mary's, W. Va., to points in New York, New Jersey, Delaware, Maryland, Virginia, Florida, Alabama, Tennessee, Kentucky, Indiana, those points in Pennsylvania on and east of U.S. Highway 219 those points in North Carolina and South Carolina on and east of U.S. Highway 1; points in that part of Georgia south and east of a line extending from the South Carolina-Georgia State line at Augusta, Ga., over U.S. Highway 1 to Louisville, Ga., thence over Georgia Highway 24 to junction Georgia Highway 22 near Milledgeville, Ga., thence over Georgia Highway 22 to the Georgia-Alabama State line 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 Pittsburgh, Pa.

No. MC 73165 (Sub-No. 298), filed June 14, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Aluminum lawn furniture, aluminum and aluminum articles, parts and accessories for aluminum articles and lawn furniture*; (1) between Nacogdoches, Tex., Largo, Fla., and Louisville, N.C.; and (2) between Nacogdoches, Tex., Largo, Fla., and Louisville, N.C., on the one hand, and, on the other, points in the United States. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Nashville, Tenn., or New Orleans, La.

No. MC 85465 (Sub-No. 39), filed June 16, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, 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 Arkansas, Colorado, Kansas, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, 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 Boston, Mass., or Washington, D.C.

No. MC 95876 (Sub-No. 113), filed June 18, 1971. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Applicant's representatives: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402, and Richard A. Rennie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, and pilings*, treated or not treated; (1) from ports of entry on the United States-Canada boundary line at or near Grand Portage and International Falls, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin; and (2) from Superior, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Pennsylvania, South Dakota, Michigan, Minnesota, Missouri, Nebraska, New York, and North Dakota. **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 Minneapolis, Minn.

No. MC 97068 (Sub-No. 12), filed May 28, 1971. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, 5959 Highway 69, Port Arthur, TX 77640. Applicant's representative: G. E. Brodie, Post Office Box 3656, Port Arthur, TX 77640. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Antipollution systems, equipment, and parts*; (2) *liquid cooling and vapor condensing systems, equipment, and parts*; (3) *environmental control and protective systems, equipment, and parts*; and (4) *machinery, equipment, materials, and supplies used in the construction, installation, operations, and maintenance of commodities specified in (1), (2), and (3) above*; (A) between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; and (B) between points in (A) above on the one hand, and, on the other, 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 Houston, Tex., or Dallas, Tex.

No. MC 103435 (Sub-No. 215), filed June 1, 1971. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler, Post Office Box 192, Littleton, CO 80120. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points in Kansas on or east of U.S. Highway 81, as off-route points in connection with carrier's regular route operations in Colorado, Kansas, Missouri, or Nebraska. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 104896 (Sub-No. 35), filed June 11, 1971. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned or preserved, and *incidental advertising matter*, from the plantsite and storage facilities of H. J. Heinz Co. in Allegheny County, Pa., to points in New York, on and west of a line beginning at the New York-Pennsylvania border at National Interstate Highway 81 and extending along said highway to its intersection with New York State Highway 12, thence along said highway to the St. Lawrence River and the points of Albany, Schenectady, and Troy, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 35), filed June 9, 1971. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets*, from Meta, Mo., to points in Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 106920 (Sub-No. 39), filed June 7, 1971. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representatives: Carroll V. Lewis, 122 East North Street, Sidney, OH 45368, and Victor J. Tambascia (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Ohio, West Virginia, Michigan (except those in the Upper Peninsula), those in New York, Pennsylvania, and Maryland, on and west of Interstate Highway 81, and Allentown, Pa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 817), filed June 7, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and lime*, in bulk and in bags, from Atlanta, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. **NOTE:** Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 818), filed June 8, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Mobay Chemical Co., Chambers County, Tex., to points in the United States (except Alaska and Hawaii). **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 Houston, Tex., or Washington, D.C.

No. MC 107460 (Sub-No. 28), filed June 14, 1971. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representatives: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17010, and Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum plate or sheet and aluminum ingots*, from points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin to the plantsite of Howmet Corp. located in Manheim Township, Lancaster County, Pa., under contract with Howmet Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107496 (Sub-No. 813), filed June 14, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Black liquor skimmings* from Cloquet, Minn., to Port Edwards, Wis.; (2) *rosin sizing*, from Milwaukee, Wis., to Cloquet, Minn., and Brainerd, Minn.; (3) *fertilizer and fertilizer ingredients*, from Fulton, Ill., to points in Iowa; and (4) *liquid fertilizer*, from Davenport, Iowa, to points in Missouri, Minnesota, and Illinois. 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 Minneapolis, Minn., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 758), filed June 8, 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 (a) meats, meat and meat byproducts as defined by the Commission, and (b) commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Texas (except 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, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, 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. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas and Houston, Tex.

No. MC 107515 (Sub-No. 759), filed June 8, 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: *Meats, meat products, and meat byproducts* as defined by the Commission (except hides and commodities in bulk), from points in Texas to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee (except Memphis), Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, 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. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 107818 (Sub-No. 55), filed June 9, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Post Office Box 608, Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(B)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Tampa, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode

Island, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 109094 (Sub-No. 16), filed June 7, 1971. Applicant: GAULT TRANSPORTATION, INC., 2377 Cranberry Highway, Wareham, MA 02571. Applicant's representative: Thomas C. Dorsey, 1625 Eye Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, from Everett, Mass., to points in Connecticut, Maine, New Hampshire, New York, Vermont, Ohio, Pennsylvania, and Rhode Island. NOTE: Applicant states that to the extent petrochemicals are included within present authority for petroleum, it intends to tack its existing authority with the requested authority at Everett, Mass., to provide service to destination territory sought herein. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 109478 (Sub-No. 119), filed June 17, 1971. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, PA 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsites and warehouse facilities of Duffy-Mott Co., Inc., at or near Hartford, Bailey, and Grawn, Mich., to Holley, Hamlin, Williamson, and Bergen, N.Y. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the New York destination points, and from there continue to the New England States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or New York, N.Y.

No. MC 109994 (Sub-No. 45), filed June 4, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representatives: K. O. Petrick (same address as applicant) and Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wool*, imported; *wool tops and noils*; *wool waste*, carded, spun, woven, or knitted; *wool yarn*; *cotton yarn*; *synthetic fibers*; and (2) *wool*, raw, cleaned or scoured when moving in mixed loads with (1) above, from points in Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to points in Illinois, Iowa, Minnesota, and Wisconsin; (3) *wool*, imported; *wool tops and noils*; *wool waste*, carded, spun, woven or knitted; and (4) *wool*, raw, cleaned or scoured when moving in mixed loads with (3)

above, from Tacoma, Wash., to Faribault, Minn. **NOTE:** Applicant states no duplicate authority is being sought. It also states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109994 (Sub-No. 46), filed June 7, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representatives: K. O. Petrick, Post Office Box 97, Rochester, MN 55901, and Val M. Higgins, 100 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from the plantsites and storage facilities of Wilson Certified Foods, Inc., at Omaha, Nebr., and Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **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 Minneapolis, Minn.

No. MC 110525 (Sub-No. 1006), filed June 14, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representatives: Thos. J. O'Brien, 520 East Lancaster Avenue, Downingtown, PA 19335, 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: *Chemicals* in bulk, in tank vehicles, between Wyandotte, Mich., on the one hand, and, on the other, Detroit, Port Huron, and Sault Ste. Marie, Mich. **NOTE:** Applicant states that tacking possibilities exist but it does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 111375 (Sub-No. 51), filed June 21, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, County CV and Acker Road, Madison, WI 53704. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and equipment, materials, and supplies* used in the manufacture of paper and paper products (except commodities in bulk and except commodities which, because of their size and weight, require

special equipment), between points in Outagamie and Winnebago Counties, Wis., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 111717 (Sub-No. 25), filed June 18, 1971. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, WI 53214. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), and *attachments and parts* designed for use with said tractors, from Port Washington, Wis., to points in the United States except points in Montana, Wyoming, Idaho, Washington, Oregon, California, Nevada, Utah, New Mexico, Arizona, Alaska, and Hawaii, restricted to movements originating at the plantsite and warehouse facilities of the Simplicity Manufacturing Co. at Port Washington, Wis., and to be performed under a continuing contract or contracts with Simplicity Manufacturing Co. of Port Washington, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112304 (Sub-No. 49), filed June 14, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 6101 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant and warehouse facilities of Continental Steel Corp. at or near Kokomo, Ind., to points in Illinois, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112582 (Sub-No. 37), filed June 18, 1971. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, PA 17201. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with controlled refrigeration (except in bulk, in tank vehicles), from the plantsites and warehouse facilities of Hanscom Brothers Bakery, a division of Stouffer Quality Foods, Inc., located at King of Prussia and Philadelphia, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland,

Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 112713 (Sub-No. 133), filed June 11, 1971. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Mobay Chemical Co. near Baytown, Tex., as an off-route point in connection with carrier's otherwise authorized service to and from Houston, Tex. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Dallas, Tex.

No. MC 112963 (Sub-No. 20), filed June 7, 1971. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representatives: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, and Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, from Everett, Mass., to points in Connecticut, Maine, New Hampshire, New York, Vermont, Ohio, Pennsylvania, and Rhode Island. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113535 (Sub-No. 21), filed June 17, 1971. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or

near Joslin, Ill., to points in Iowa, Minnesota, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113843 (Sub-No. 170), filed June 7, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Ohio and West Virginia and points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81 and Allentown, Pa., restricted to traffic originating at Champaign, 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 Chicago, Ill.

No. MC 114004 (Sub-No. 102), filed June 15, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. 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 Izard County, Ark., to points in the United States. 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 114019 (Sub-No. 216), filed June 11, 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: *Containers and container ends, packaging materials and supplies, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers and container ends, from Winchester, Va., to Fort Worth, Tex.; St. Louis, Mo.; Bradley, Ill.; Fari-bault, Minn.; and Cleveland, Ohio. 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 Washington, D.C.

No. MC 114211 (Sub-No. 154), filed June 16, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) above, between Canton, S. Dak., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114211 (Sub-No. 155), filed June 17, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors* with or without attachments (except truck tractors); (2) *agricultural machinery and implements*; (3) *attachments* designed for use with the above commodities; (4) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the 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 points in Washington, Oregon, Nevada, California, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana); and (B) (1) *tractors* with or without attachments (except truck tractors); (2) *agricultural machinery and implements*; (3) *internal combustion engines*; (4) *attachments* designed for use with the above commodities; (5) *parts* of the above-described commodities when moving in mixed loads with such commodities, from Hopkins and Minneapolis, Minn., to the ports of entry on the international boundary line between the United States and Canada located in Michigan and New York, restricted to traffic originating at the plant and/or warehouse sites of White Farm Equipment. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 112), filed June 18, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780

North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Illinois and Missouri; and (2) *meats, meat products, and meat by-products, articles distributed by meat packinghouses, and such commodities as used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, as described in sections A, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from points in Illinois, Indiana, Minnesota, Missouri, Nebraska, and Wisconsin to Fort Madison, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114632 (Sub-No. 46), filed June 14, 1971. Applicant: APPLE LINES, INC., Box 507, Madison, SD 57042. Applicant's representatives: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402 and Robert A. Appelwick (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk and tank vehicles), from Champaign, Ill., to points in Iowa, Nebraska, Missouri, Minnesota, North Dakota, South Dakota, Wyoming, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115113 (Sub-No. 24), filed June 14, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Quilted products*, from Plains, Pa., to points in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Nebraska, Iowa, Mississippi, North Carolina, South Carolina, 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 to be held at Sioux City, Iowa, Omaha, Nebr., or Scranton, Pa.

No. MC 115162 (Sub-No. 231), filed June 16, 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: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective materials, and accessories and supplies* used in the installation thereof (except commodities in bulk), from Moncure, N.C., to points in Alabama 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 Atlanta, Ga., or Charlotte, N.C.

No. MC 115180 (Sub-No. 73), filed June 14, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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 American Beef Packers, Inc., at Oakland, Iowa, to points in Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Massachusetts, 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 Omaha, Nebr., or Chicago, Ill.

No. MC 115180 (Sub-No. 74), filed June 14, 1971. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, NY 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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 Farmland Foods, Inc., plantsite and storage facilities at Denison and Iowa Falls, Iowa, to points in Ohio, New York, Connecticut, Rhode Island, New Hampshire, Vermont, Massachusetts, Maryland, New Jersey, Delaware, Virginia, West Virginia, Michigan, Maine, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115311 (Sub-No. 123), filed June 16, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. 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: *Plywood*, from the plantsite of Sumter Plywood Corp. near Livingston, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115654 (Sub-No. 13), filed June 17, 1971. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products* (except in bulk), moving in mechanically temperature controlled vehicles, including *advertising materials and premiums* moving with said commodities, from the plantsite of Peter Paul Candy Co., Inc., at or near Frankfort, Ind., to Nashville, Tenn. **NOTE:** Applicant states that tacking is possible with its Sub-No. 5, but applicant has no present intention of 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 Nashville, Tenn.

No. MC 116063 (Sub-No. 125), filed June 14, 1971. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, TX 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bromide solution*, in bulk, in tank vehicles, from Kansas City, Kans., to El Dorado, Ark. **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 Fort Worth or Dallas, Tex.

No. MC 116073 (Sub-No. 175), filed June 10, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, from points in Wake County, N.C., to all points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 116446 (Sub-No. 3), filed June 18, 1971. Applicant: HAROLD SCHUGEL, doing business as HAROLD SCHUGEL MILLING SUPPLIES, 301 North Water Street, New Ulm, MN 56071.

Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients*; (1) from Hastings, Le Center, Mankato, Minneapolis, and New Ulm, Minn., to Madison, Wis.; and (2) from Lake Park and Eagle Grove, Iowa, to Willmar and New Ulm, Minn., under contract with Supersweet Feeds, division of International Multi-Foods Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, or Mankato, Minn.

No. MC 116763 (Sub-No. 196), filed June 7, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380, and 906 Magnolia Avenue, Auburndale, FL 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are packaged, processed, manufactured, dealt in, or used by vegetable and/or fruit packing, processing, or manufacturing plants, from points in Florida, to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas. **NOTE:** Applicant states tacking possibilities may exist, but applicant has no present intention to tack, 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 Tampa, Fla.

No. MC 117132 (Sub-No. 2), filed June 14, 1971. Applicant: NYARI TRUCKING, INC., Post Office Box 46, Bryan, OH 43506. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Bryan and Defiance, Ohio, to points in Illinois, under contract with George Isaac Co., Bryan, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117815 (Sub-No. 177), filed June 7, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in Indiana, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or

territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 157), filed June 11, 1971. Applicant: **SUBLER TRANSFER, INC.**, 79 East Main Street, Post Office Box 62, 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: *Food, food preparations, and foodstuffs* (except in tank vehicles), from Champaign, Ill., to points in Iowa, Indiana, Kentucky, Maryland (except points east of Interstate Highway 81), Michigan, Minnesota, Missouri, Nebraska, New York (except points east of Interstate Highway 81), Ohio, Pennsylvania (except points east of Interstate Highway 81), West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 24), Filed June 11, 1971. Applicant: **TEMPCO TRANSPORTATION, INC.**, 546 South 31A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, coconuts, and agricultural commodities* otherwise exempt from economic regulations under section 203(b) (6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Galveston, Tex., to points in Wisconsin, Michigan, Illinois, California, Tennessee, Kentucky, Indiana, Iowa, Missouri, New Mexico, Arizona, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Ohio, Nebraska, Minnesota, North Dakota, South Dakota, and Colorado. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119669 (Sub-No. 25), filed June 14, 1971. Applicant: **TEMPCO TRANSPORTATION, INC.**, 546 South 31A, Columbus, IN 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour, prepared flour mixes, frosting mixes, and icing mixes*, from Chelsea, Mich., to points in Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119759 (Sub-No. 3), filed June 4, 1971. Applicant: **O. L. HARE**, doing business as **GREEN COUNTY FAST FREIGHT**, Monroe, Wis. 53566. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs* (except in bulk, in tank vehicles), from Champaign, Ill., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, and those west of U.S. Highway 67 in Missouri. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119765 (Sub-No. 24), filed June 7, 1971. Applicant: **HENRY G. NELSEN, INC.**, 1548 Locust Street, Avoca, IA. 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: *Food, food preparations, and foodstuffs*, except in bulk, in tank vehicles, from Champaign, Ill., to points in Iowa 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 Washington, D.C.

No. MC 119789 (Sub-No. 74) (Correction), filed June 8, 1971, published in the **FEDERAL REGISTER** issue of July 1, 1971, and republished as corrected, this issue. Applicant: **CARAVAN REFRIGERATED CARGO, INC.**, Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl or plastic laminated or other than laminated to cloth or fabric*, from Butler, N.J., to Los Angeles, Calif., and points in its commercial zone. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to clarify the commodity and route description, which was inadvertently shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Jersey City, N.J.; Dallas, Tex., or Washington, D.C.

No. MC 120737 (Sub-No. 20), filed June 4, 1971. Applicant: **STAR DELIVERY & TRANSFER, INC.**, Post Office Box 39, Rural Route No. 5, Canton, IL 61520. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, lubricating, and hydraulic oils and greases*, in containers, from Kansas City, Kans.; Memphis, Tenn.; Dallas, Tex.; St. Paul, Minn.; and Philadelphia, Pa.; to points in the United States, except Alaska and Hawaii; and

(2) *used metal containers and pallets* used in the transportation of the commodities named in (1) above, from points in the United States, except Alaska and Hawaii, to Kansas City, Kans.; Memphis, Tenn.; Dallas, Tex.; St. Paul, Minn.; and Philadelphia, Pa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 85), filed June 4, 1971. Applicant: **SAWYER TRANSPORT, INC.**, 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, insulating, roofing and building materials, and materials and accessories* used in the installation thereof, from the plantsite of The Celotex Corp. at Dubuque, Iowa, to points in Minnesota, South Dakota, North Dakota, Montana, Wyoming, Colorado, Texas, and Georgia. **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 Des Moines, Iowa, or Washington, D.C.

No. MC 125045 (Sub-No. 9), filed June 7, 1971. Applicant: **SHERMAN MOLDE**, doing business as **MOLDE TRUCKING COMPANY**, 955 11 $\frac{1}{4}$ Street SW., Rochester, MN 55901. Applicant's representative: Sherman Molde (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice Cream, frozen ice cream novelties, and frozen novelty confections*; (1) from Minneapolis, St. Paul, and Rochester, Minn., to point in Wisconsin, Iowa, and South Dakota; and (2) from Green Bay, Wis., and Fort Dodge, Iowa, to Minneapolis, St. Paul, and Rochester, Minn., under contract with Marigold Foods, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125114 (Sub-No. 3), filed June 7, 1971. Applicant: **COMMERCIAL TRANSPORT, INC.**, 2313 Lakeside Drive, Lynchburg, VA 24501. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, commodities in bulk and classes A and B explosives), moving in trailer on flat car service, having a prior or subsequent movement by railroad, between Lynchburg, Va., and points in Campbell County, Va., on the one hand, and, on the other, points in Amherst, Appomattox, Albemarle, Augusta, Bedford, Buckingham, Campbell, Charlotte, Halifax, Nelson, Pittsylvania,

Prince Edward, Rockbridge, and Rockingham Counties, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125114 (Sub-No. 4), filed June 7, 1971. Applicant: COMMERCIAL TRANSPORT, INC., 2413 Lakeside Drive, Lynchburg, VA 24501. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, reinforcing steel, aluminum, and other structural material*, which because of size, weight or shape, require the use of special equipment to load, transport or unload, and of accessories used in the installation thereof, from Lynchburg, Va., to points in Kentucky, Pennsylvania, Delaware, New Jersey, and New York; and (2) *commodities*, which because of size or weight require the use of special equipment, between Lynchburg and Campbell County, Va., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, West Virginia, Maryland, 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.

No. MC 125338 (Sub-No. 4), filed June 14, 1971. Applicant: SUPER SPEED TRANSPORT, INC., Post Office Box 755, Waterloo, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from ports of entry on the international boundary line between the United States and Canada located in New York, New Hampshire, Vermont, and Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York, restricted to traffic originating in the Province of Quebec, Canada. NOTE: Applicant holds contract carrier authority under MC 133386, 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 Montpelier, Vt., or Boston, Mass.

No. MC 125777 (Sub-No. 137), filed May 13, 1971. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. 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: *Roasted dolomite*, in bulk, in dump vehicles, from points in Sandusky County, Ohio, to points in Indiana and Illinois. NOTE: Applicant states that the requested authority cannot

be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126372 (Sub-No. 9), filed June 10, 1971. Applicant: SUREFINE TRANSPORTATION COMPANY, a corporation, 1925 East Vernon Avenue, Los Angeles, CA 90058. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated; (a) from points in Salt Lake County, Utah, to points in California, Colorado, Idaho, Nevada, Oregon, Washington, Wyoming, Arizona, New Mexico, Texas, and Montana; (b) from points in Provo and Ogden, Utah, to points in California, Nevada, Oregon, Washington, Arizona, Idaho, Montana, and Wyoming; (c) between points in Clark County, Nev., on the one hand, and, on the other, points in Salt Lake County, Utah; and (d) from points in Multnomah County, Oreg., and King, Yakima, and Pierce Counties, Wash., to points in Utah; (2) *store fixtures, store equipment, and kitchen equipment*, uncrated, from points in Salt Lake County, Utah, to points in California, Colorado, Idaho, Nevada, Wyoming, Montana, Arizona, New Mexico, and Texas; and (3) returned shipments of the above-described commodities, from the above-described destination points to the above-described origin points. 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.

No. MC 126428 (Sub-No. 4), filed June 4, 1971. Applicant: ZIBERT TRANSPORT CO., 2828 Market Street, Peru, IL 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from La Salle, Ill., to points in Indiana 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 Chicago, Ill.

No. MC 127871 (Sub-No. 5), filed June 18, 1971. Applicant: TRANSSUPPLY, INC., Post Office Box 210, Mercersburg, PA 17236. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste products, including fly ash and bottom ash*, in bulk, from the plantsite of Potomac Electric Power Co. at or near Dickerson, Montgomery County, Md., to points in Berkeley, Jefferson, Mineral, and Grant Counties, W. Va., and Somerset County, Pa., restricted to a continuing contract with PBS Coals, Inc. NOTE: If a hearing is deemed necessary, applicant re-

quests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128095 (Sub-No. 7), filed June 10, 1971. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, Box 1402, Tupelo, MS 38801. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite and/or warehouse facilities of Bassett Furniture Industries, Inc., at Macon, Ga., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Missouri, Oklahoma, Arkansas, Texas, Kentucky, and Kansas. NOTE: Applicant states that the requested authority can be tacked with MC 128095 at numerous points for service to multiple states and that it proposes to tack when feasible. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 128205 (Sub-No. 16), filed June 4, 1971. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 George Street, Schiller Park, IL 60176. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, in tank and/or hopper type vehicles, from Chicago, and Thornton, Ill., to points in Indiana, Michigan, Ohio, Iowa, and Wisconsin (except the counties of Dane, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Racine, Rock, Walworth, and Waukesha, Wis.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128205 (Sub-No. 17), filed June 10, 1971. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 George Street, Schiller Park, IL 60176. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in pneumatic tank vehicles, from St. Louis, Mich., to points in Illinois, Indiana, Wisconsin, and Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 99), filed June 13, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, products produced or

distributed by manufacturers and converters of paper and paper products, and materials and supplies used in the manufacture and distribution of the above-named commodities (except commodities which, because of size or weight, require the use of special equipment, and except commodities in bulk), between Oswego, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 100), filed June 14, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum foil*, with or without paper backing, and materials and supplies used in the manufacture and distribution of the above described commodities (except commodities in bulk and commodities which because of size or weight require the use of special equipment), between Newport, Ark., on the one hand, and, on the other, 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 128648 (Sub-No. 6), filed June 11, 1971. Applicant: TRANS UNITED, INC., 1226 West Chicago Avenue, Post Office Box 2081, East Chicago, IN 46312. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 820, Washington, DC 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) *Material handling and constructing machinery and equipment* (except truck tractors), and parts of the above-named commodities; and (B) *equipment, materials, and supplies* used in the manufacture of the commodities in (a) above; (1) between Milwaukee, Wis., Greenville, Ala., Los Angeles County, Calif., Duluth, Minn., Baraga, Mich., Tiffin, Ohio, Rome, N.Y., Tualatin, Oreg., and Rockford, Ill.; and (2) between the points described in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to transportation service performed under a continuing contract or contracts with the Pettibone Corp., of Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128866 (Sub-No. 23), filed June 9, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, Washington, DC 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular

routes, transporting: *Aluminum food containers*, for the account of Penny Plate, Inc., from Cherry Hill, N.J., and Searcy, Ark., to Brockton, Mass.; Milan, Mo.; and Knoxville, Tenn.; under contract with Penny Plate, Inc., Cherry Hill, N.J. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133128 (Sub-No. 4), filed June 9, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Lumber and lumber mill products* (except wood chips), such as plywood and plywood mill products, boards and sheets, particle board, hardboard, pre-finished and hardboard paneling, from mills and storage areas in that part of Oregon west of U.S. Highway 97 to points in California south of a line formed by the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino; (b) *pulpboard, paper, and paper articles*, from Toledo, Oreg., to points in California south of a line formed by the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino; and (c) *straight or mixed loads of the above-described commodities* from and to the points set forth above, under contract with Georgia-Pacific Corp. **NOTE:** Common control may be involved. Applicant holds common carrier authority under MC 125433 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133240 (Sub-No. 21), filed June 14, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, except on hangers, and materials and supplies used in the manufacture and sale of wearing apparel, between the facilities of Holly Stores, Inc., and their subsidiaries, located at New York, N.Y., Secaucus and North Bergen, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Holly Stores, Inc., and their subsidiaries. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 134182 (Sub-No. 8), filed June 9, 1971. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, a corporation, Second and West Turnpike Road, Lawrence, KS 66044. Applicant's representatives: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106, and O. A. Olson (same address as applicant). Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packing-houses* 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 plant-site and storage facilities of Aristo Kansas Meat Packers, Inc., at or near Holton, Kans., to points in Connecticut, Delaware, Pennsylvania, Rhode Island, Vermont, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 134350 (Sub-No. 1), filed June 16, 1971. Applicant: SYSTEM TRANSPORT CORPORATION, Post Office Box 4112, Phoenix, AZ 85030. Applicant's representative: Scott Lindy (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* between Keams Canyon, Ariz., and the junction of U.S. Highway 164 and the unnumbered Arizona Highway near Teec Nos Pos, Ariz., from Keams Canyon over Arizona Highway 264 to junction of U.S. Highway 164, thence over U.S. Highway 164 to the junction of unnumbered highway near Teec Nos Pos, Ariz., and return over the same route, serving all intermediate points, and all points within ten miles of the specified highways, and points within the Hopi Indian Reservation as off-route points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135357 (Sub-No. 2), filed June 18, 1971. Applicant: VERNON A. BRAUND AND DONALD E. JENSEN, a partnership, doing business as BRAUNSEN TRUCKING, Walters, Minn. 56092. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from St. Louis, Mo., to Mankato and Albert Lea, Minn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135418 (Sub-No. 1), filed June 14, 1971. Applicant: ACIL J. JAGGERS AND CARL E. HOUGHTON, a partnership, doing business as CALICO TRANSFER & STORAGE, Post Office Box 1046, Barstow, CA 92311. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Bernardino and Riverside Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted

to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 135427 (Sub-No. 1), filed June 16, 1971. Applicant: DONALD E. THOMPSON, doing business as THOMPSON TOWING SERVICE, Main Street, Clear Spring, MD 21722. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, inoperative, stolen, abandoned, repossessed, and replacement motor vehicles and trailers* (except house trailers and mobile homes designed to be drawn by passenger automobiles), and parts, by use of wrecker equipment only, between points in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, Ohio, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135432 (Sub-No. 1), filed June 1, 1971. Applicant: CARTER A. SZOK AND F. JOEL GREGORICH, doing business as VENTURE TRUCKING, 606 Valley Drive, Lemont, IL 60439. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drywall*; from Schererville, Ind., to points in Kankakee, Du Page, Will, Cook, Lake, Kane, De Kalb, Grundy, Kendall, and McHenry Counties, Ill., under contract with Wickes Lumber & Building Supplies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135646 (Sub-No. 1), filed June 4, 1971. Applicant: JIMMIE W. DERVAN, doing business as DERVAN CARTAGE SERVICE, 321 North Washington Street, Albany, GA 31701. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, household goods, as defined by the Commission, and automobiles in primary and secondary service), and *empty trailers*, between Albany, Ga., on the one hand, and, on the other, points in Sumter, Crisp, Randolph, Terrell, Lee, Worth, Turner, Clay, Calhoun, Dougherty, Tift., Early, Baker, Mitchell, Colquitt, Seminole, Decatur, Grady, Miller, and Thomas Counties, Ga., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar-service. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Albany, Ga.

No. MC 135652 (Sub-No. 1), filed June 1, 1971. Applicant: SERVICE TRANSFER, INC., 4557 Princess Anne Road, Virginia Beach, VA 23462. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in containers, or trailers and empty containers, trailers and chassis, between points in Norfolk, Portsmouth, Hampton, Virginia Beach, Newport News, Chesapeake, and points in Isle of Wight, Sussex, James City, York, Gloucester, Nansemond, Surry, Prince George, Charles City, New Kent, Southampton, Mathews, Middlesex, King and Queen, King William, Accomack, Northampton, Northumberland, Richmond, and Lancaster Counties, Va., and Richmond, Va., restricted to transportation of traffic having a prior or subsequent movement by water, and being performed pursuant to a continuing contract with United States Lines, Inc., Dart Containerlines, Inc., or American Export Isbrandtsen Lines, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va., or Washington, D.C.

No. MC 135662 (Sub-No. 1), filed June 4, 1971. Applicant: VANCE BUTTOL, doing business as RO-VAN COMPANY, Box 125-D, Route 2, Savanna, IL 61074. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used portable building chassis*, from points in Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Illinois, Missouri, and Oklahoma, to Guttenburg, Iowa, under contract with Hilton Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 135688, filed June 1, 1971. Applicant: HALCO SUPPLY COMPANY, DIVISION OF HALLETT DOCK COMPANY, 37th Avenue West and Waterfront, Post Office Box 7024, West Duluth, MN 55807. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, from Burnett and Duluth, Minn., to points in Wisconsin, Michigan, Illinois, Iowa, and North Dakota, under contract with Hallett Minerals Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 135689, filed June 1, 1971. Applicant: EUGENE MEYER, 509 Fairview Avenue, Versailles, OH 45380. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screened lime-*

stone, in bulk, in dump vehicles, from Piqua, Ohio, to that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to junction Interstate Highway 74 and thence along Interstate Highway 74 to the Indiana-Ohio State line, under contract with Armo Steel Corp., Middletown, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135691, filed June 1, 1971. Applicant: DALLAS CARRIERS CORP., 7621 Inwood Road, Dallas, TX 75209. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 (except commodities in bulk), both edible and inedible; and (2) *materials, supplies, and equipment* used or useful in the manufacture, production and distribution thereof (except commodities in bulk), between points in Texas, Oklahoma, Arkansas, Kansas, Missouri, Indiana, and Ohio, on the one hand, and, on the other, points in Massachusetts, New Jersey, Ohio, and Pennsylvania. Restriction: The above authority is restricted to the transportation of traffic moving under a continuing contract or contracts with F. & W. Wholesale Meat Co., and U.S. Pet Food Supply Co. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 135692, filed June 1, 1971. Applicant: V. M. BOLTON COMPANY, INC., Post Office Box 384, Mobile, AL 36601. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, coconuts, and pineapples*, from New Orleans, La., Gulfport, Miss., and Galveston, Tex., to Mobile, Ala.; and (2) *sugar*, from points in Louisiana to Mobile, Ala., under contract with (1) Delchamps Food Stores at Mobile, Ala.; and (2) Autry Greer & Sons at Mobile, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or New Orleans, La.

No. MC 135693, filed June 1, 1971. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, AR 71854. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate feed supplements*, in bulk, and in bags, from North Little Rock, Ark., to points in Louisiana, Mississippi, Missouri, Kansas, Kentucky, Illinois, Oklahoma, Tennessee, and Texas. NOTE: Applicant holds

contract carrier authority under MC 117395 and subs thereunder, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135716, filed June 7, 1971. Applicant: STAN'S VANS, INC., 1417 Fifth Street, Oakland, CA 94607. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Alameda, Contra Costa, Napa, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, Stanislaus, Sutter, Yuba, and Yolo Counties, Calif. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12983 (Sub-No. 1), filed June 7, 1971. Applicant: RALPH A JOHANSEN, doing business as JOHANSEN INTERNATIONAL TOURS, 1410 Vance Building, Seattle, WA 98101. For a license (BMC 5) to engage in operations as a broker at Seattle, Wash., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in special and charter operations in one-way charters, (1) between Seattle and points in Washington on the one hand, and, on the other, points in Oregon and California; (2) between Portland, Oreg., on the one hand, and, on the other, points in Washington and California; and (3) between San Francisco, Los Angeles, and San Diego, Calif., on the one hand, and, on the other, points in Oregon and Washington. Note: Applicant presently holds a brokerage license in MC 12983 involving passengers and their baggage in sightseeing or pleasure tours, beginning and ending at Seattle, Wash., and extending to points in the United States (including Alaska but excluding Hawaii). Applicant states that by the instant application it desires to supplement its present authority.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PASSENGERS

No. MC 41257 (Sub-No. 13), filed June 11, 1971. Applicant: NORTH STAR LINE, INC., 341 Ellsworth SW., Grand Rapids, MI 49502. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48201. 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, beginning and ending at all points on applicant's regular routes in Michigan (except Battle Creek and Lansing, Mich.), and extending to points in the United States (including Alaska but excluding Hawaii).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-9938 Filed 7-14-71; 8:45 am]

HOME TRANSPORTATION CO., INC., ET AL.

Assignment of Hearings

JULY 12, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-111545 Sub 150, Home Transportation Co., Inc., now assigned July 22, 1971, at Columbus, Ohio, postponed indefinitely.
MC-108341 Sub 22, Moss Trucking Co., Inc., application dismissed.

MC-C-7287, Aaacon Auto Transport, Investigation and Revocation and FF-359, Auto Trip USA, Inc., now assigned September 27, 1971, at New York, N.Y., will be held in Room F-2220, instead of Room C-2200-2204.

No. 35861, Public Service Commission State of N. Dak., et al. v. Burlington Northern, Inc., et al., assigned July 26, 1971, at Fargo, N. Dak., is canceled.

MC-108119 Sub 25, E. L. Murphy Trucking Co., now assigned July 26, 1971, at Chicago, Ill., hearing canceled and application dismissed.

MC-F-10488, Eastern Freight Ways, Inc.—Control—National Transportation Co., FD 26385, Eastern Freight Ways, Inc., Assumption of Obligation and Liability, and Loan Agreement, and FD 26489, Eastern Freight Ways, Inc.—Investigation of Practices, assigned September 14, 1971, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC-88368 Sub 22, Cartwright Van Lines, Inc., now being assigned for continued hearing on August 4, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-10054 Filed 7-14-71; 8:51 am]

[Notice 715]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 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-35438. By order of July 8, 1971, the Motor Carrier Board approved the lease to Petroleum Transport Co., a corporation, Post Office Box 25, Engineers Road, Belle Chasse, LA, of the operating rights in certificate of registration No. MC-98807 (Sub-No. 2) issued October 18, 1963, to Bourg Truck Line, Inc., 322 Barrilleaux Street, Lockport, LA, authorizing the transportation of specified commodities between points in Louisiana.

No. MC-FC-72954. By order of July 7, 1971, the Motor Carrier Board approved the transfer of a portion of certificate No. MC-107561 to Banker's Express, Inc., Peekskill, N.Y., to M. O'Hara's Van Service and Storage Warehouse, Inc., Pallsades, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, and Washington, D.C. Edward M. Alfano, attorney, 2 West 45th Street, New York, NY 10036. Salvatore T. Gambino, attorney, 1006 Brown Street, Peekskill, NY 10566.

No. MC-FC-72963. By order of July 7, 1971, the Motor Carrier Board approved the transfer to Britt E. Carlson and Gunnar C. F. Carlson, Springfield, Mass., of the stock of the Broker Weldner Travel Bureau, Inc., Springfield, Mass., holding license No. MC-12804, authorizing the conduct of operations as a broker at Springfield, Mass., in arranging for the transportation of: Passengers and their baggage in special and charter operations, between points in the United States, including Alaska and Hawaii. Francis V. Goggins, attorney, 60 East 42d Street, New York, NY 10017. Ralph W. Crowell, attorney, 94 State Street, Springfield, MA 01103.

No. MC-FC-72992. By order of July 7, 1971, the Motor Carrier Board approved the transfer to Letco Bulk Carriers, Inc., Buffalo, N.Y., of certificate No. MC-124212 (Sub-No. 26) issued to Mitchell Transport, Inc., Cleveland, Ohio, authorizing the transportation of: Cement, from the plantsite of Lehigh Portland Cement Co., at Buffalo, N.Y., to points in specified counties in Pennsylvania. William J. Hirsch, attorney, 35 Court Street, Buffalo, NY, 14202.

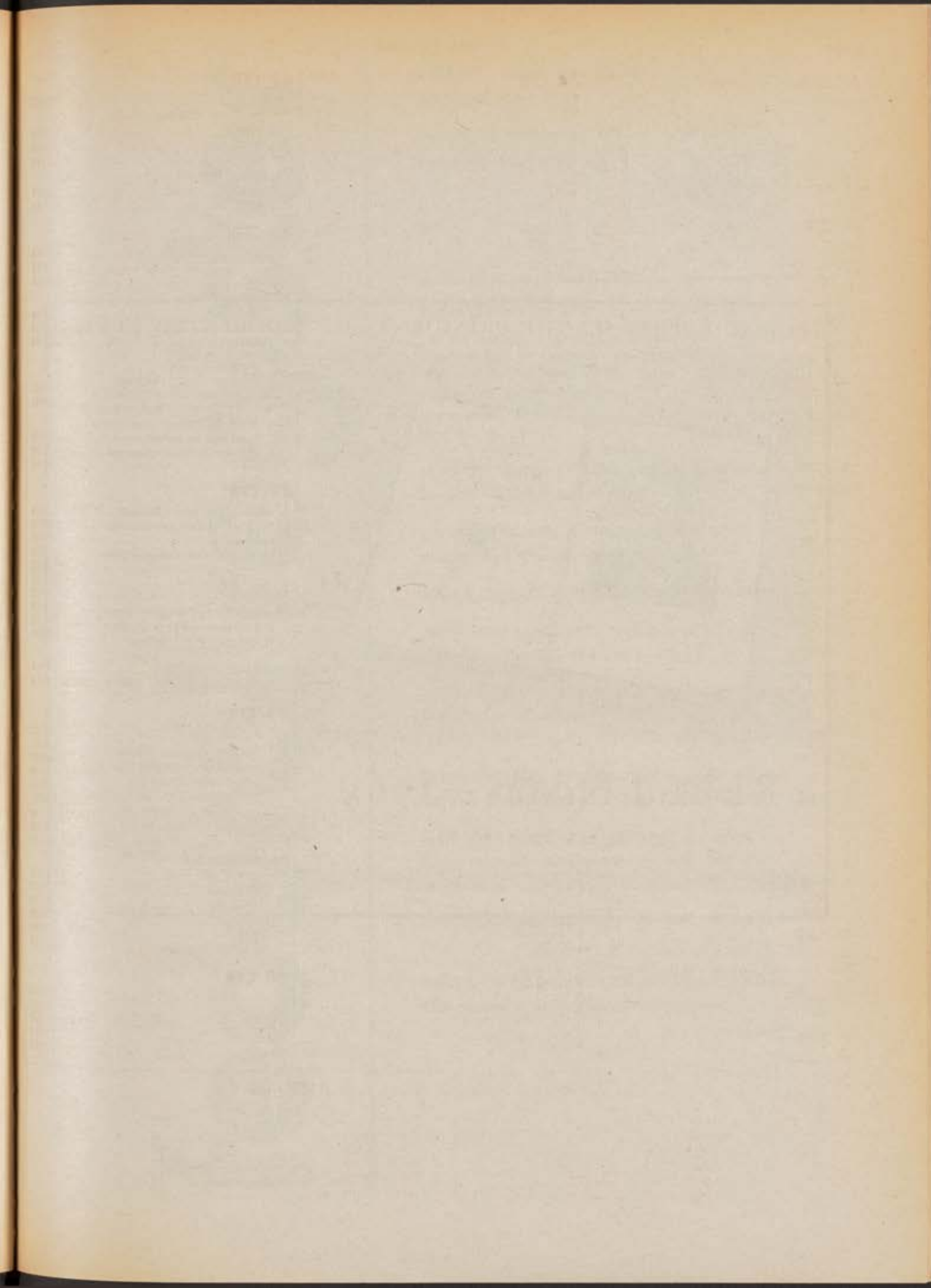
[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-10053 Filed 7-14-71; 8:51 am]

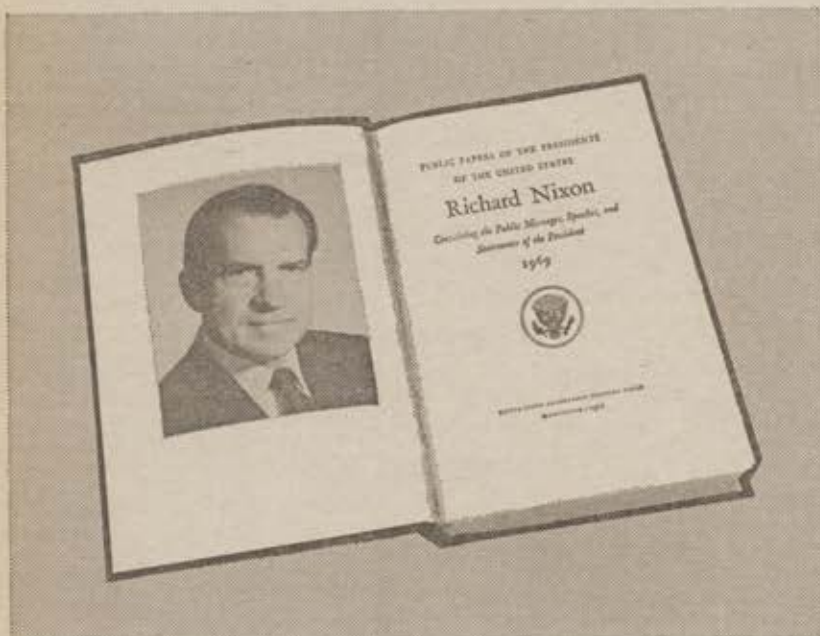
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