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1971

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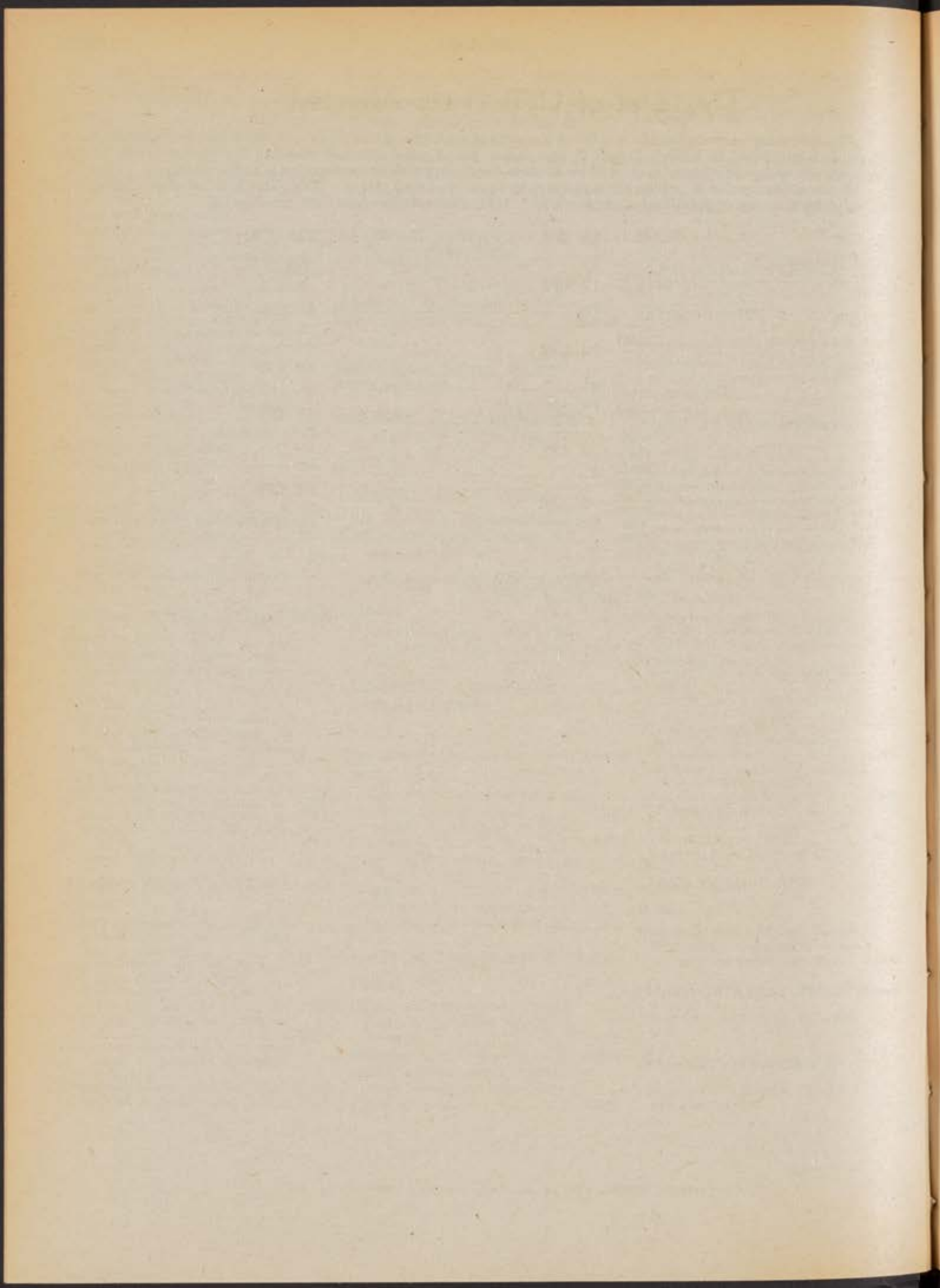


## List of CFR Parts Affected

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

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

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# Presidential Documents

## Title 3—The President

PROCLAMATION 4077

# Citizenship Day and Constitution Week, 1971

*By the President of the United States of America*

## A Proclamation

The Constitution of the United States, as Woodrow Wilson observed early in this century, "is not a mere lawyers' document: it is a vehicle of life, and its spirit is always the spirit of the age."

To each new generation of American citizens, this lesson comes afresh. To the young of today, it has come dramatically this year with the passage of the Twenty-Sixth Amendment, granting full voting rights to those between 18 and 21 years of age.

As citizens of all ages join in welcoming these young people into the electorate, we can also unite with them in recognizing that our Constitution does have a special relevance for every age. Enduring and timeless, yet it is vital and life-giving, affirming as no other written document can that the ideals upon which men acted in the early days of our Republic are as essential now as they were then.

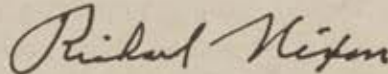
In commemoration of the signing of the Constitution on September 17, 1787, and in recognition of all who had attained citizenship during the year, the Congress on February 29, 1952, approved a joint resolution (66 Stat. 9) setting aside the seventeenth day of September of each year as Citizenship Day. On August 2, 1956, the Congress approved a second joint resolution (70 Stat. 932), requesting the President to designate the week beginning September 17 and ending September 23 of each year as Constitution Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, direct the appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1971. I also counsel and urge Federal,

State, and local officials, as well as religious, civic, educational, and other interested organizations to make arrangements for the observance of that day with appropriate ceremonies.

I also designate the period beginning September 17 and ending September 23, 1971, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether they be naturalized or natural born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

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



[FR Doc.71-12985 Filed 8-31-71; 1:54 pm]



## PROCLAMATION 4078

## Columbus Day, 1971

*By the President of the United States of America*

## A Proclamation

On Columbus Day, 1971, we honor once more the memory of the great captain whose historic voyages led to the migration of peoples to the New World and brought fresh promises of liberty and freedom to the Old.

In this present age of epic journeys in space, we can appreciate more than ever the great achievements of Christopher Columbus. An intrepid explorer, a supreme navigator, but above all a man of unshakeable faith and courage, this son of Italy sailed in the service of the Spanish crown on a mission that forever broadened man's hopes and horizons.

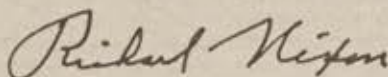
We take pride in commemorating the vision and determination of Christopher Columbus, and carry forward his spirit of exploration as part of our national heritage.

In tribute to the achievements of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

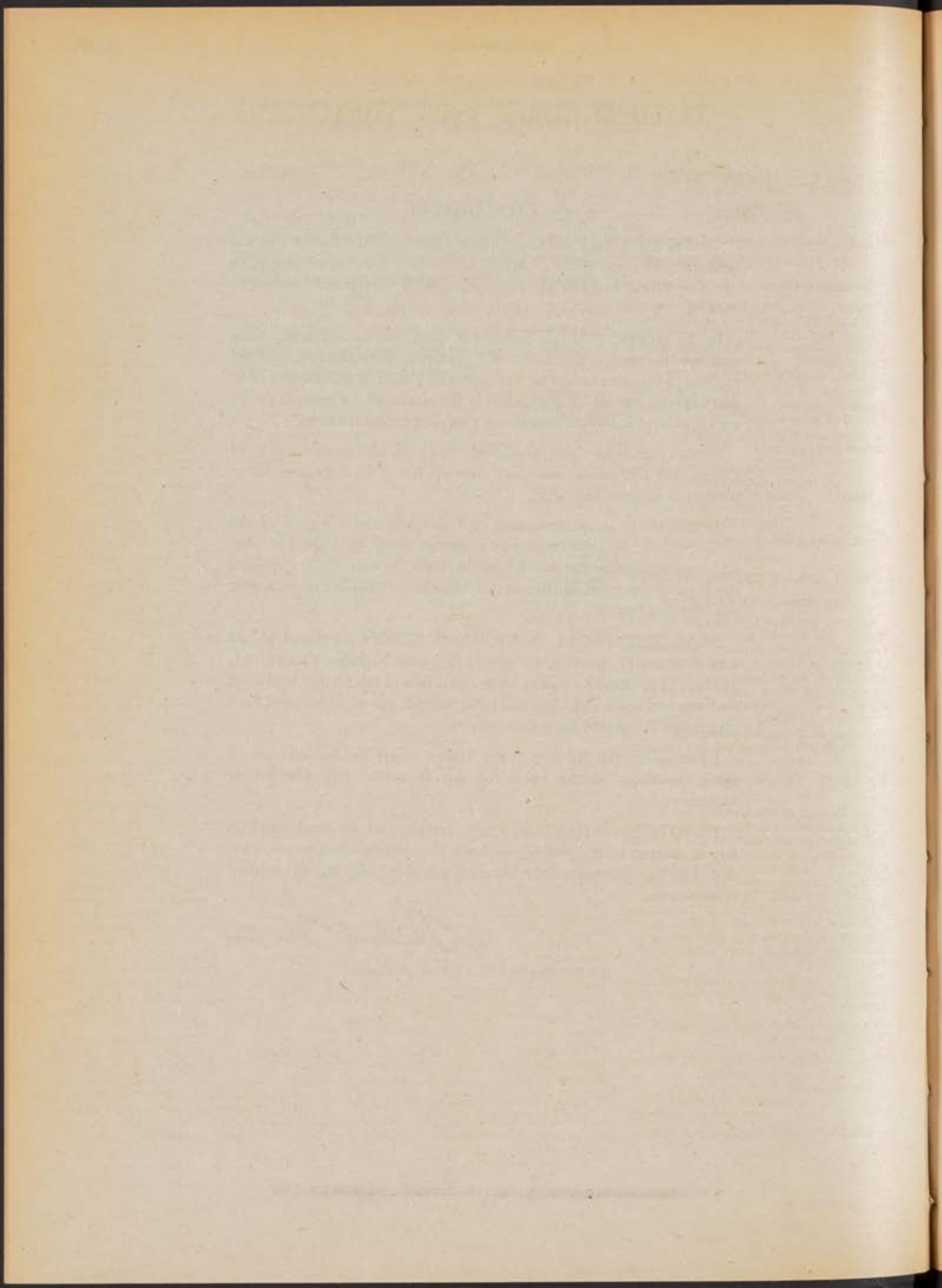
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Monday, October 11, 1971, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand, this 31st day of August, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc.71-13019 Filed 8-31-71;5:03 pm]





# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Executive Office of the President

The Schedule A authority for positions in grade GS-15 and below in the Office of Special Assistance to the President to which appointments are made by the Vice President is revoked because the positions are now excepted by law.

Effective on publication in the FEDERAL REGISTER (9-2-71), paragraph (d) of § 213.3103 is revoked.

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

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant  
to the Commissioners.

[FR Doc. 71-12909 Filed 9-1-71; 8:52 am]

#### PART 213—EXCEPTED SERVICE

##### Department of Commerce

Section 213.3114 is amended to show that in the Bureau of the Census positions of Current Program Interviewers presently authorized to be filled under schedule A on a temporary basis may hereafter be filled under Schedule A appointment without time limitation.

Effective on publication in the FEDERAL REGISTER (9-2-71) subparagraph (1) of paragraph (d) is amended and subparagraph (2) is added as set out below.

#### § 213.3114 Department of Commerce.

(d) *Bureau of the Census.* (1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service, other than Current Program Interviewers, for temporary, part-time, or intermittent employment for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Commission approval is required for extension for longer than 1 year.

(2) Current Program Interviewers employed on an intermittent basis in the field service.

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

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 71-12908 Filed 9-1-71; 8:52 am]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

#### PART 792—CONSERVING BASE AND DESIGNATED SET-ASIDE ACREAGE

The title of Part 792 is amended to read as set forth above and the part is revised, effective beginning with the 1971 program year. The material previously appearing in these sections remains in full force and effect with respect to the programs to which it is applicable.

##### Sec.

- 792.1 Applicability and purpose.  
792.2 Farm conserving base.  
792.3 Designation, use, and care of set-aside acreage under the feed grain, upland cotton, and wheat set-aside programs; approved conserving uses.

**AUTHORITY:** The provisions of this Part 792 issued under sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e); sec. 602, 79 Stat. 1206, 7 U.S.C. 1838; sec. 379b, 84 Stat. 1362, 7 U.S.C. 1379b; sec. 105, 84 Stat. 1368, 7 U.S.C. 1441 note; sec. 103, 84 Stat. 1374, 7 U.S.C. 1444; sec. 805, 84 Stat. 1382, 7 U.S.C. 1339d.

##### § 792.1 Applicability and purpose.

The regulations in this part set forth the rules for determining and maintaining the farm conserving base under the Land Use Adjustment Programs, Part 751 of this chapter, as amended; the Extra Long Staple Cotton Program for 1968 and Succeeding Years, Part 722 of this chapter, as amended; the 1971-73 Feed Grain Set-Aside Program, Part 775 of this chapter, as amended; the 1971-73 Wheat Set-Aside Program, Part 728 of this chapter, as amended; and the 1971-73 Upland Cotton Set-Aside Program, Part 722 of this chapter, as amended; and all other programs to which this part is made applicable by individual program regulations. The regulations also govern the designation, use, and care of acreage set aside under the set-aside programs for feed grains, wheat, and upland cotton. In the regulations in this part and in all instructions, forms, and documents in connection therewith, the words and phrases used herein shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases, Part 719 of this chapter, as amended, and in the regulations governing the programs with respect to which this part is applicable.

##### § 792.2 Farm conserving base.

(a) *Determining the conserving base.*  
A conserving base shall be determined

for the farm and shall be the average acreage of cropland on the farm devoted in 1959 and 1960 to the conserving uses specified below as adjusted by the county committee to correct for abnormal factors affecting production and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography (including the determination of odd- and even-year conserving bases where necessary to reflect an established summer fallow rotation system):

(1) Permanent or rotation cover of grasses and legumes consisting of perennial grasses, perennial or biennial legumes, or mixtures of legumes and perennial grasses.

(2) Summer or winter cover crops consisting principally of small grains, annual legumes, or annual grasses, including volunteer stands of such crops, which are normally seeded in the area except that the following acreages of crops shall not be considered as devoted to a conserving use:

(i) Millet, sudan grass (including hybrids), sorghum grass crosses or small grain-grass crosses which do not produce a grain, when harvested for seed.

(ii) Sweet sorghum not defined as feed grains, cowpeas, field and canning peas, and field and canning beans which are harvested as silage, seed, grain, or for processing purposes.

(iii) Soybeans harvested for any purpose.

(3) Small grain cover crops when used for any purpose other than grain, unless classified as feed grain, rice, or wheat acreage. A crop will be considered used for grain when harvested or grazed after grain is maturing.

(4) Idle cropland including clean tillage and summer fallowed cropland.

(5) Volunteer cover.

(b) *Maintaining the conserving base.*  
The producer shall devote to conserving uses on the farm during the current year (or, in the case of the cropland adjustment program, each year of the agreement period) an acreage of cropland, in addition to the set-aside acreage and any acreage diverted under any other Federal agricultural program, at least equal to the farm conserving base determined in accordance with paragraph (a) of this section. Subject to the provisions of paragraph (c) of this section, the following uses of cropland on the farm will qualify as eligible conserving uses for the purpose of maintaining the conserving base:

(1) The conserving uses set forth in paragraph (a) of this section, except that: (i) Soybeans may be approved only at the option of the State committee and must be incorporated into the soil by a date established by the State committee; (ii) small grain cover crops must be disposed of by an established disposition



date: *Provided*, That small grains may be left standing if an intention to leave small grain on the land is filed with the county committee in writing prior to the date of certification of set-aside acreage.

(2) Trees or shrubs planted for erosion control, shelterbelts, or other forestry purposes or for wildlife habitat during the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) or the fall of the preceding year. (Trees or vines in an orchard or vineyard are not a conserving use.)

(3) Water storage developed for any purpose, including fish or wildlife habitat, during the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) or the fall of the preceding year.

(4) Plantings for wildlife food plots or wildlife habitat. Any crop will qualify if: (i) The area conforms to standards (maximum size, location, etc.), which have been established by the State committee in consultation with State wildlife agencies, (ii) the area and crop are designated by the operator and approved by the county committee in writing prior to the close of the sign-up period for the annual programs or the planting of the crop, whichever is later, and (iii) no grazing or harvesting other than by wildlife is permitted. Plantings for wildlife food plots may, however, be cut and stacked on the food plot for winter use by wildlife where the State committee, in cooperation with the State wildlife agency, determines that the area is subject to snow conditions which make the stacking of wildlife food reserves desirable.

(5) Corn or grain sorghums plowed down as green manure.

(6) A crop destroyed by any means by the applicable disposition date.

(7) A crop destroyed by natural causes after the disposition date if (i) the failed acreage is substituted for eligible set-aside or conserving acreage; (ii) the operator requests reclassification of the crop; and (iii) the farm is otherwise in compliance with the program.

(8) Other uses recommended by the State committee which are not in conflict with other provisions of the program and which the Deputy Administrator approves in advance.

(c) *Additional provisions relating to the conserving base.* (1) Cropland devoted to both an approved conserving use and a use which is not an approved conserving use in the same year shall not be counted toward determining the conserving base or maintaining the conserving base.

(2) If noncropland is brought into cropland status, the conserving base determined for the farm shall be increased by an acreage equal to the new cropland in accordance with instructions issued by the Deputy Administrator.

(3) Designated acreage which is diverted from tame hay and from summer fallow shall count toward maintaining the conserving base.

(4) Measures normally carried out in the area in connection with the production of a crop for harvest in a subsequent year may be carried out in the fall of the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) on acreage used in maintaining the conserving base.

(5) Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county; (ii) the specifications for the uses and practices; and (iii) the disposition dates referred to in paragraph (b) of this section.

(6) An acreage of sugar beets or sugarcane with respect to which there is bona-fide abandonment under applicable regulations shall not be considered as devoted to a conserving use.

**§ 792.3 Designation, use and care of set-aside acreage under the feed grain, upland cotton, and wheat set-aside programs; approved conserving uses.**

(a) *Cropland eligible for designation.* Land to be eligible for designation as set-aside acreage must be cropland as provided in this paragraph. Where the county committee determines that the average productivity of the land set aside is substantially less than the average productivity of the cropland which would normally be devoted to the crop for which payments are made, the payments for the farm shall be reduced to take into account the actual productivity of the set-aside acreage. Subject to the provisions of paragraph (b) of this section, the following may be designated as set-aside acreage:

(1) Land currently classified as cropland which, under normal conditions, could reasonably be expected to produce a crop; and

(2) For 1971 only, land on which wheat or feed grain was prevented from being planted because of a flood, drought, or other natural disaster, or a condition beyond the control of the producer or was planted but failed because of a natural disaster and which is credited to wheat or feed grain under the programs for such commodities. For 1972 and 1973, such acreages must be reclassified from nonconserving to a conserving use when designated as set-aside.

(b) *Cropland not eligible for designation.* The following land is not eligible for designation:

(1) Land which is designated as diverted or set-aside under any other program;

(2) Land which is harvested or grazed in the current year except as provided in paragraphs (c) and (d) of this section.

(3) Land on which cotton was prevented from being planted because of a flood, drought, or other natural disaster, or a condition beyond the control of the producer or was planted but failed because of a natural disaster and which is classified as acreage planted to cotton for purposes of computing payments under the upland cotton set-aside program: *Provided*, That if such land is

designated as set-aside acreage, the payments otherwise computed for the farm shall be reduced for failure to comply fully in accordance with the regulations governing the upland cotton set-aside program, Part 722 of this chapter, as amended. This provision shall not be applicable for 1972 and 1973.

(4) Turn rows, drainage ditches, wet low-lying areas, droughty knobs or banks, other areas which normally would not produce a crop and strips of less than two normal rows in skiprow planting patterns;

(5) Land which the county committee determines the producer reasonably could not expect to use in the absence of the program for the production of the crop being set-aside because of (i) the physical condition of the land; (ii) a restriction in the lease or operating agreement prohibiting the production of such crop on the land; or (iii) any other reason;

(6) Land which at the time the set-aside acreage is designated is expected to be utilized in the current year or a later year for industrial development, housing, highway construction, or other nonfarm use and the land would not, in the absence of the program, be devoted in the current year to a crop for harvest;

(7) Land devoted to nonagricultural use on or before September 30 of the current year, unless such land is acquired by eminent domain and a representative of the State committee determines that it could not be anticipated at the time the set-aside acreage was designated that the land would be devoted to nonagricultural use before the end of the current year;

(8) Land devoted to or considered devoted to a nonconserving use in the current year except as otherwise authorized in this part.

(9) Land from a receding lake or areas bordering a lake which the producer does not have title to or otherwise have authority to operate;

(10) National wildlife refuges;

(11) Cropland owned and operated by a State, county, or local government unless the owner establishes to the satisfaction of the county committee that it has adequate equipment or other facilities readily available for the successful production of row crops and small grains and that the production of such crops is a normal practice for such land; and

(12) Land in an orchard or vineyard, except that the area not devoted to trees or vines may be designated if the county committee determines that it would have been devoted to another crop in the absence of the program and is otherwise eligible.

(c) *Restriction on harvesting of crops from set-aside acreage.* No crops other than the crops specified in paragraphs (e) and (h) of this section shall be harvested from the designated set-aside acreage in the current year, or after December 31 of the current year if the crop would normally mature and be harvested in the current year, except (1) where the crop is one which matured in the year preceding the current year



on land which was not designated as set-aside or diverted acreage in such year and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator, or (2) where the county committee in accordance with instructions issued by the Deputy Administrator determines that it is necessary to permit the harvesting of crops from the set-aside acreage for use in the area in order to alleviate a shortage of forage resulting from severe drought, flood, or other natural disaster and consents to such harvesting subject to appropriate adjustments in payment.

(d) *Restriction on grazing.* The designated set-aside acreage shall not be grazed during the 5 principal growing months as established by the county committee between the period of March 31 and October 16, except where the county committee in accordance with instructions issued by the Deputy Administrator determines that it is necessary to permit the set-aside acreage to be grazed in order to alleviate a shortage of forage in the area resulting from severe drought, flood, or other natural disaster and consents to such grazing subject to appropriate adjustments in payment.

(e) *Set-aside acreage devoted to designated crops planted for harvest in lieu of conservation use.* Set-aside acreage which is otherwise eligible for payment may be devoted to approved alternate crops and harvested subject to adjustments in payment as provided in individual program regulations.

(f) *Use of land.* Measures normal for the area may be carried out on the set-aside acreage in the fall in connection with the production of a crop for harvest in a subsequent year.

(g) *Control of erosion, insects, weeds, and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the designated acreage. If the county committee determines that the measures carried out are not adequate, it shall prescribe and require the application of such other or additional measures as are needed. If erosion, insects, weeds, and rodents are not timely controlled in accordance with instructions received from the county committee, the farm shall be subject to an appropriate adjustment in payment for failure to fully comply.

(h) *Harvesting and storage of emergency hay from set-aside acreage.* Subject to the provisions of this paragraph, a producer may harvest and store hay from 25 percent of the total acreage set aside from production under the wheat, feed grain, and upland cotton set-aside programs or 25 acres, whichever is greater, for use during periods of emergency.

(1) Any producer who elects to plant and harvest hay on set-aside acreage pursuant to this paragraph shall file an application in accordance with instructions issued by the Deputy Administrator in which he shall agree not to use any such hay harvested from such acreage unless authorized to do so by the Administrator or his designee.

(2) When any set-aside acreage is planted and harvested pursuant to this paragraph, the hay harvested therefrom shall be baled and stored in sealed storage on the farm in accordance with instructions issued by the county committee.

(3) Except as otherwise provided in this paragraph, the hay stored pursuant to this paragraph may only be removed from storage and used when the Administrator or his designee has (i) designated as an emergency area the area in which such farm is located, and (ii) specifically authorized the use of emergency hay by farmers in the area. The release of hay for emergency purposes shall also be subject to the prior approval of the county committee. However, in order to avoid deterioration of the hay stored on the farm for emergency use, the county committee may, upon application by the producer, permit such hay to be removed from storage and used or sold from time to time so long as an amount of hay equal to the amount removed is previously placed in sealed storage. In addition, in cases where a producer has stored hay in accordance with this paragraph and such hay has not been depleted in an unauthorized manner, and such producer is no longer a producer on the farm, the hay so stored may be transferred to another producer on the farm in accordance with instructions issued by the Deputy Administrator.

(4) At the time and to the extent of any depletion in the amount of hay stored under subparagraph (2) of this paragraph (h) except depletion under subparagraph (3) of this paragraph (h) or depletion resulting from some cause beyond the control of the producer as determined in accordance with instructions issued by the Deputy Administrator, the producer shall forfeit or refund to the Commodity Credit Corporation the total amount of payments and certificates payable or paid to him under the feed grain set-aside program, the upland cotton set-aside program, and the wheat set-aside program for the year and for the farm with respect to which the hay was harvested. In the case of certificates, the producer shall return any certificates received by him or pay the value thereof to the Commodity Credit Corporation.

(i) *Approved conserving uses on diverted acreage.* Subject to the provisions of paragraphs (c), (d), and (g) of this section, the approved conserving uses on set-aside acreage are the conserving uses set forth in § 792.2(b).

*Effective date.* Since farmers are now completing their plans for the 1971 crop year, it is essential that the foregoing revision of the regulations governing the conserving base and designated set-aside acreage be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this revision shall become effective upon publication in the FEDERAL REGISTER (9-2-71).

Proposals for amendment or modification of the regulations insofar as they

relate to the 1972 and 1973 crop years are invited. The proposals may be addressed to the Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of the proposals and mailed within 30 days of the date of publication of this revision in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 25, 1971.

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

[FR Doc.71-12916 Filed 9-1-71; 8:53 am]

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

[Valencia Orange Reg. 364]

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

**Limitation of Handling**

§ 908.664 Valencia Orange Regulation 364.

(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 August 31, 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 September 3, 1971, through September 9, 1971, are hereby fixed as follows:

- (i) District 1: 96,000 cartons;
- (ii) District 2: 304,000 cartons;
- (iii) District 3: Unlimited.

Dated: September 1, 1971.

(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: September 1, 1971.

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

[FR Doc.71-13075 Filed 9-1-71; 11-17 am]

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 71-809]

#### PART 524—OPERATIONS OF THE BANKS

##### Budgets

AUGUST 26, 1971.

Resolved, that the Federal Home Loan Bank Board considers it desirable to amend § 524.6 of the regulations for the Federal Home Loan Bank System (12 CFR 524.6) for the purpose of delegating authority for approval of certain amendments to the budgets of the Federal Home Loan Banks. Accordingly, the Federal Home Loan Bank Board hereby amends

said § 524.6 by revising it to read as follows, effective September 1, 1971:

#### § 524.6 Budgets.

Each Bank shall prepare and submit to the Board for its approval a budget of operations in the manner and according to the procedure prescribed by the Board or its designee. Each Bank shall submit to the Board with its budget a certificate signed by its president as to the compliance by each of its officers, legal counsel, and employees with the provisions of § 522.70 of this subchapter. The Board will either approve the budget as submitted by each Bank or approve such budget with such adjustments therein as to it appears proper. Such Bank shall be operated within such budget as so approved or as it may be amended. The board of directors of each Bank is authorized, within such limits as the Board may set from time to time, to approve amendments to such budget at any time. If a budget amendment is not within such limits, the Bank shall submit to the Board a request for approval of such amendment. The Board hereby delegates to the Director of the Office of Bank Management, within such limits as the Board may set from time to time, authority to approve budget amendments submitted to the Board for approval.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, that since the above amendment relates to the internal operations of the Federal Home Loan Banks, each of which has received actual notice of such amendment, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553 (b); and, for the same reason, the Board hereby finds that the requirement regarding publication of an amendment for a minimum 30-day period prior to the effective date thereof, as specified in 12 CFR 508.14 and 5 U.S.C. 553(d), shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.71-12833 Filed 9-1-71; 8:45 am]

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-871]

#### PART 545—OPERATIONS

#### Monthly Distribution of Earnings on Savings Accounts

AUGUST 26, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to

amend § 545.1-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-1) for the purpose of permitting Federal savings and loan associations to distribute earnings monthly on savings accounts. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.1-1 by revising paragraph (b) thereof to read as follows, effective September 1, 1971:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

(b) *Monthly or quarterly.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, by resolution of its board of directors so providing and while such resolution remains in effect, distribute earnings on savings accounts, or designated classes thereof, as of the last day or the last business day of each calendar month, or as of the last day or the last business day of the months of March, June, September, and December. No distribution of earnings may be made pursuant to the authority contained in this paragraph until provision has been made for the payment of expenses and for the pro rata portion of credits to reserves required by the association's charter and by Part 563 of this chapter.

(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)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.71-12834 Filed 9-1-71; 8:45 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

#### Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rule making published in the FEDERAL REGISTER of May 11, 1971 (36 F.R. 8677), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. The amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1971-72 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice. After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the States of the outside dates, season lengths, shooting hours, and daily bag and possession limits within which hunting would be permitted. The States were invited to submit recommendations for hunting seasons which complied with these frameworks.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. The amendments to be made to §§ 10.46, 10.53, and 10.54 will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. The amendment to be made to § 10.3 is an editorial correction clarifying a reference to hunting

from a boat under power. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER (9-2-71).

1. Section 10.3(a)(3) is amended to read as follows:

#### § 10.3 Hunting methods.

(a) *Permitted methods.* \* \* \*  
 (3) From any floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its progress therefrom has ceased; and it is drifting, beached, moored, resting at anchor, or it is being propelled by paddle, oars, or pole; or (ii) the craft is being operated in accordance with the special sea duck regulations, § 10.53(a).

#### § 10.46 [Amended]

2. Section 10.46 is amended by changing the table as follows:

In the table of seasons for Michigan:  
 a. Delete the subcategory "Zones 1 and 2" and its corresponding dates.

b. Delete the subcategory "Zone 3" and its corresponding dates.

c. In the column of seasons for rails, replace the words "See footnote 7" with "Sept. 15-Nov. 19".

d. In the column of seasons for woodcock, insert the dates "Sept. 15-Nov. 14".

e. In the column of seasons for common snipe, replace the words "See footnote 8" with "Sept. 15-Nov. 18".

In the column of seasons for rails, for the State of Rhode Island replace the dates "Sept. 2-Nov. 28" with the dates "Sept. 20-Nov. 28".

In the column of seasons for rails, replace the words "See footnote 12" for the State of

Tennessee with.....	Nov. 13-Nov. 21
Wisconsin with.....	Dec. 7-Jan. 15
	Oct. 2-Nov. 20

In the column of seasons for common snipe, replace the words "See footnote 6" for the State of

Florida with.....	Nov. 20-Jan. 20
Iowa with.....	Oct. 2-Dec. 5
Mississippi with.....	Dec. 18-Feb. 20
New Jersey with.....	Oct. 16-Dec. 18
Wisconsin with.....	Oct. 2-Nov. 20
Wyoming with.....	Oct. 2-Dec. 5

3. Section 10.53 is amended as follows:

#### § 10.53 Seasons and limits on waterfowl, coots, gallinule, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea ducks.* \* \* \*

(4) Notwithstanding the provisions of § 10.3, the shooting of crippled waterfowl from a motorboat under power will be permitted in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Delaware, and

Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal.* \* \* \*

(2) *Extra bag limit.* An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit.....	2
Possession limit.....	4
Shooting hours: One-half hour before sunrise until sunset.	

#### CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Season in:	
Connecticut.....	Oct. 16-Oct. 23
Delaware.....	Oct. 30-Nov. 6
Kentucky.....	Nov. 28-Dec. 6
Maryland.....	Nov. 6-Nov. 14
Minnesota.....	Oct. 2-Oct. 10
New Hampshire.....	Oct. 2-Oct. 10
New York (except Long Island area).....	Oct. 11-Oct. 19
North Carolina.....	Nov. 20-Nov. 27
North Dakota.....	Oct. 1-Oct. 9
Rhode Island.....	Oct. 23-Oct. 25
South Carolina.....	Jan. 12-Jan. 20
Vermont.....	Oct. 9-Oct. 17
Virginia.....	Nov. 20-Nov. 27
West Virginia.....	Oct. 16-Oct. 24
Wisconsin.....	Oct. 2-Oct. 10

(c) *Gallinule.* [Reserved]

NOTE: The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of July 24, 1971 (36 F.R. 13763) have been incorporated, with additions, in paragraphs (e) and (f) of this section.

(d) *Horicon Zone.* (1) In Wisconsin during the 1971-72 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons, limits, and shooting hours for Canada geese:

	Horicon Zone	Remainder of State
Daily bag limit.....	1	1
Possession limit.....	1	2
Season dates.....	Oct. 14-Oct. 31	Oct. 2-Dec. 19
Shooting hours: One-half hour before sunrise until sunset.		

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid State hunting license, a valid Migratory Bird Hunting Stamp



## RULES AND REGULATIONS

## (e) Atlantic, Mississippi, and Central Flyways.

(duck stamp), and a valid Horicon Zone Canada goose hunting permit with correspondingly numbered report card and metal Canada goose tag. Hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. The required permits and tags are nontransferable.

(5) Immediately after a Canada goose is killed and reduced to possession in the Horicon Zone, the tag must be affixed and securely locked around either leg of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(6) It is mandatory that each person hunting in the Horicon Zone, report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) No special permit is required to hunt blue or snow geese anywhere in Wisconsin, including the Horicon Zone.

## (8) Application procedure:

(i) Applications will be made available to the public about the middle of August and must be returned no later than September 11, 1971. All applications postmarked after September 11, 1971, will be disqualified, except applications from persons in the military service on duty outside the State during the regular application period. Applications from military personnel postmarked after September 11, 1971, will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Non-resident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon Zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon Zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon Zone during the regular Wisconsin goose season where no special permit is required.

	Ducks (except mergansers)	Mergansers	Scaup bonus	Coots	Gallinule	Geese	Brant
Daily bag limit.....	14	25	22	15	15	5	6
Possession limit.....	18	20	4	20	30	6	12
Shooting hours.....	One-half hour before sunrise until sunset.						

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:							
Alabama <sup>1 2 3 4</sup>	Nov. 27-Jan. 15			Nov. 6-Jan. 14		Nov. 15-Jan. 23	
Arkansas <sup>2 3</sup>	Nov. 30-Jan. 8			Nov. 7-Jan. 15		Oct. 31-Jan. 8	
Colorado <sup>2 3 4 5</sup>	See § 10.53(g)-Point system					Nov. 1-Jan. 16	
Connecticut <sup>1 2 3 4 5 6</sup>	{ Oct. 16-Oct. 30 { Dec. 6-Jan. 8			{ Sept. 1-Nov. 9 { Oct. 16-Nov. 27		{ Oct. 16-Nov. 27 { Dec. 18-Jan. 13	{ Oct. 15-Dec. 24 { Oct. 30-Nov. 27
Delaware <sup>1 2 3 4 5</sup>	{ Oct. 30-Nov. 27 { Dec. 11-Dec. 31			{ Sept. 1-Nov. 9 { Oct. 15-Nov. 12		{ Oct. 30-Nov. 27 { Dec. 11-Jan. 30	{ Oct. 30-Nov. 27 { Dec. 11-Jan. 30
Florida	See § 10.53(g)-Point system			Sept. 4-Nov. 12			Nov. 15-Jan. 23
Georgia <sup>1 2</sup>	Nov. 23-Jan. 20			Nov. 7-Jan. 15			
Illinois <sup>2 3 4 5 6</sup>	See § 10.53(g)-Point system					Nov. 15-Dec. 31	
Alexander, Jackson, Union, and Wil- lamson Counties. <sup>14</sup>							
Remainder of State						Oct. 23-Dec. 11	
Indiana <sup>1 2 3</sup>	{ Oct. 30-Dec. 8 { Dec. 24-Jan. 2			{ Sept. 1-Nov. 9 { Oct. 23-Dec. 8		{ Oct. 23-Dec. 8 { Dec. 18-Jan. 9	
Iowa <sup>2 3 4</sup>	See § 10.53(g)-Point system					Oct. 2-Dec. 10	
Kansas <sup>1 2 3 4 5 6 7</sup>	{ Oct. 16-Dec. 12 { Dec. 18-Dec. 29			{ Sept. 1-Nov. 9 { Nov. 15-Jan. 23		{ Oct. 16-Dec. 29 { Nov. 15-Jan. 23	
Kentucky <sup>1 2 3 4</sup>	Nov. 28-Jan. 16			Nov. 18-Jan. 15		Nov. 15-Jan. 23	
Louisiana <sup>1 2 3 4</sup>	{ Nov. 11-Nov. 28 { Dec. 11-Jan. 11			{ Sept. 4-Nov. 12 { Oct. 15-Nov. 13		{ Nov. 11-Jan. 9 { Feb. 5-Feb. 14	
Maine <sup>1 2 3 4</sup>	{ Oct. 15-Nov. 13 { Nov. 22-Dec. 11			{ Sept. 1-Nov. 9 { Oct. 4-Dec. 11		{ Oct. 4-Dec. 11 { Oct. 20-Nov. 26	{ Oct. 4-Dec. 11 { Oct. 20-Nov. 26
Maryland <sup>1 2 3 4 5</sup>	{ Nov. 6-Nov. 27 { Dec. 9-Jan. 15			{ Sept. 1-Nov. 9 { Oct. 30-Nov. 26		{ Dec. 9-Jan. 19 { Oct. 20-Nov. 11	{ Dec. 9-Jan. 19 { Oct. 20-Nov. 11
Massachusetts <sup>1 2</sup>						{ Nov. 23-Jan. 8 { Nov. 23-Jan. 8	{ Nov. 23-Jan. 8 { Nov. 23-Jan. 8
Coastal zone <sup>1 2 3 4 5</sup>	Nov. 23-Jan. 1			Nov. 23-Dec. 27			
Inland zone <sup>1 2 3 4</sup>	Oct. 20-Nov. 28			Oct. 20-Nov. 28			
Michigan <sup>2 3</sup>	See § 10.53(g)-Point system			Oct. 1-Nov. 19		Oct. 1-Nov. 30	
Minnesota <sup>1 2 3 4 5 6 7</sup>	Oct. 2-Nov. 20			Oct. 2-Nov. 20		Oct. 2-Dec. 10	
Mississippi <sup>2 3 4 5 6 7</sup>	Nov. 27-Jan. 15			Oct. 30-Jan. 7		Oct. 16-Nov. 14	
Missouri <sup>2 3 4 5 6 7</sup>	Oct. 31-Dec. 19			Sept. 1-Nov. 9		Oct. 31-Jan. 8	
Montana <sup>1 2 3 4</sup>	See § 10.53(g)-Point system					Oct. 2-Dec. 30	
Nebraska <sup>1 2 3 4</sup>	See § 10.53(g)-Point system					Oct. 2-Dec. 15	
New Hamp- shire <sup>1 2 3 4 5</sup>	{ Oct. 2-Oct. 25 { Nov. 20-Dec. 15					{ Oct. 16-Dec. 24 { Oct. 16-Dec. 24	{ Oct. 16-Dec. 24 { Oct. 16-Dec. 24
New Jersey <sup>1 2 3</sup>	See § 10.53(g)-Point system			Sept. 1-Nov. 9		Oct. 16-Dec. 24	
New Mexico <sup>1 2 3 4 5 6 7</sup>	See § 10.53(g)-Point system			Oct. 23-Dec. 31		Oct. 23-Jan. 16	
New York: Long Island area. <sup>1 2 3 4 5</sup>	Nov. 15-Jan. 3			Sept. 13-Nov. 9		Nov. 15-Jan. 23	Nov. 15-Jan. 23
Lake Champlain area. <sup>1 2 3 4 5</sup>	Oct. 9-Nov. 27			Sept. 25-Dec. 3		Oct. 9-Dec. 17	Oct. 9-Dec. 17
Remainder of State. <sup>1 2</sup>	{ Oct. 11-Nov. 29 { Dec. 24-Jan. 2			{ Sept. 1-Nov. 9 { Oct. 11-Dec. 19		{ Oct. 11-Dec. 19 { Oct. 11-Dec. 19	{ Oct. 11-Dec. 19 { Oct. 11-Dec. 19
North Carolina <sup>1 2 3 4 5</sup>	Nov. 20-Jan. 18			Sept. 1-Nov. 9		Nov. 20-Jan. 8	Nov. 20-Jan. 15
North Dakota <sup>1 2 3 4 5 6</sup>	Oct. 1-Dec. 9			Sept. 1-Nov. 9		Oct. 1-Dec. 14	
Ohio				Sept. 1-Nov. 9			
Pymatung area. <sup>1 2 3 4 5</sup>	Oct. 9-Dec. 7					Oct. 9-Dec. 9	Oct. 9-Dec. 9
Remainder of State. <sup>1 2 3</sup>	{ Oct. 22-Dec. 4 { Dec. 27-Jan. 1					{ Oct. 22-Dec. 24 { Dec. 27-Jan. 1	{ Oct. 22-Dec. 24 { Dec. 27-Jan. 1
Oklahoma <sup>1 2 3 4</sup>	See § 10.53(g)-Point system			Sept. 1-Nov. 9		Oct. 23-Jan. 5	
Pennsylvania <sup>1 2 3 4 5</sup>	Oct. 9-Dec. 7			Sept. 1-Nov. 9		Oct. 1-Dec. 9	Oct. 1-Dec. 9
Rhode Island <sup>1 2 3 4 5 6</sup>	{ Oct. 23-Oct. 25 { Nov. 22-Jan. 7			{ Sept. 20-Nov. 28 { Oct. 2-Dec. 19		{ Nov. 15-Jan. 23 { Dec. 2-Jan. 20	{ Nov. 15-Jan. 23 { Dec. 2-Jan. 20
South Carolina <sup>1 2 3 4 5 6</sup>	Nov. 22-Jan. 20			Oct. 2-Dec. 19		Dec. 2-Jan. 20	Dec. 2-Jan. 20
South Dakota <sup>1 2 3 4 5 6</sup>	See § 10.53(g)-Point system					Oct. 2-Dec. 15	
Tennessee <sup>1 2 3</sup>	{ Nov. 13-Nov. 21 { Dec. 7-Jan. 16			{ Nov. 13-Nov. 21 { Dec. 7-Jan. 15		{ Nov. 15-Jan. 23 { Nov. 15-Jan. 23	
Texas <sup>1 2 3</sup>	See § 10.53(g)-Point system			Sept. 1-Nov. 9		Nov. 3-Jan. 16	
Vermont <sup>1 2 3 4 5 6</sup>	Oct. 9-Nov. 27			Sept. 25-Dec. 3		Oct. 9-Dec. 17	Oct. 9-Dec. 17
Virginia <sup>1 2 3 4</sup>	Nov. 20-Jan. 18			Nov. 20-Jan. 15			
Back Bay area <sup>1 2 3</sup>						Nov. 20-Jan. 8	Nov. 20-Jan. 8
Remainder of State <sup>1 2</sup>						Nov. 15-Jan. 22	Nov. 15-Jan. 22
West Virginia <sup>1 2 3 4 5</sup>	{ Oct. 16-Oct. 30 { Dec. 7-Jan. 20			{ Oct. 16-Dec. 24 { Oct. 2-Nov. 20		{ Oct. 16-Dec. 24 { Oct. 2-Dec. 10	{ Oct. 16-Dec. 24 { Oct. 2-Dec. 10
Wisconsin <sup>1 2 3 4 5 6 7</sup>	Oct. 2-Nov. 20			Oct. 2-Nov. 20		Oct. 2-Dec. 10	
Wyoming <sup>1 2 3 4 5</sup>	See § 10.53(g)-Point system					{ Oct. 2-Nov. 7 { Nov. 20-Jan. 11	

<sup>1</sup> In all States the daily bag limit may not include more than 2 wood ducks and 1 canvasback or 1 redhead, and the possession limit may not include more than 4 wood ducks and 1 canvasback or 1 redhead.

<sup>2</sup> In all States the daily bag limit may not include more than 1 and the possession limit may not include more than 2 hooded mergansers.

<sup>3</sup> When applicable, the extra scaup limits are in addition to other bag and possession limits specified elsewhere.

<sup>4</sup> Extra scaup limits do not apply during the entire duck season. The extra birds may only be taken in:

Minnesota from Nov. 1-Nov. 20.

Ohio from Nov. 1-Dec. 4; Dec. 27-Jan. 1.

Vermont, on Lake Champlain, from Nov. 1-Nov. 27 (limitation also applies to Lake Champlain area of New York).

Wisconsin from Nov. 1-Nov. 20.

<sup>5</sup> Scaup bonus does not apply to this State.

<sup>6</sup> Extra blue-winged teal limits apply for 9 consecutive days. See § 10.53(b)(2) for applicable dates.

<sup>7</sup> The daily bag limit is 3 and the possession limit is 6 ducks, of which not more than 1 daily and 2 in possession may be black ducks.

<sup>8</sup> The daily bag limit is 5 and the possession limit is 10 ducks.

(Continued on next page)



1 The daily bag limit is 6 and the possession limit is 12 ducks, of which not more than 2 daily and 4 in possession may be mallard ducks.

2 The daily bag limit may not include more than 2 and the possession limit may not include more than 4 back ducks.

3 The daily bag limit may not include more than 2 and the possession limit may not include more than 30 coots and grebes, singly or in the aggregate, of these species.

4 The daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 white-fronted goose, or 1 of each.

5 The daily bag limit is 2 and the possession limit is 4 geese.

6 The daily bag limit is 3 and the possession limit is 6 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).

7 The daily bag limit is 2 and the possession limit is 4 geese.

8 The daily bag limit is 3 and the possession limit is 6 geese (except blue and snow geese on which the season is closed in the Atlantic Flyway).

9 The daily bag and possession limits may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each.

10 The daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each; and the possession limit may not include more than 2 Canada geese and 3 white-fronted geese.

11 The daily bag and possession limits may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.

12 The daily bag and possession limits may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each.

13 The daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each; and the possession limit may not include more than 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

14 Not used.

15 In Russell and Barbour counties the season is closed on all geese.

16 In the States of Arkansas and Louisiana and in the Mississippi counties of Issaquena, Sharkey, and Washington, the season is closed on Canada geese, and the daily bag and possession limit may not include more than 2 white-fronted geese.

17 Notwithstanding the provisions of Section 30.39 of this part, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter who took the birds.

18 In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 28,000 birds in each State.

19 When it has been determined by the Director, Bureau of Sport Fisheries and Wildlife, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

20 The open season on Canada geese is Oct. 9-31.

21 In the State of Kansas:

a. The daily bag limit may not include more than 2 and the possession limit may not include more than 4 hen mallards.

b. The daily bag limit on Canada geese is reduced to 1 after Dec. 11.

c. For the lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Missouri.

d. For the lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River between the north boundary of Louisiana and latitude 31° N., the season dates and bag limits for geese are the same as those of Louisiana.

e. The Coastal zone includes all coastal lands and waters lying seaward of a line running south from the New Hampshire border along U.S. Highway 1 to State Route 3, along State Route 3 to the Cape Cod Canal, and from the Cape Cod Canal along State Route 6 to the Rhode Island border.

f. The inland zone includes all lands and waters lying inland of the Coastal zone.

g. The season on Canada geese, except in the Southeastern zone, is Oct. 2-30. In the Southeastern zone, the season on Canada geese is Oct. 2-Dec. 30 and the daily bag and possession limit is 2 Canada geese.

The Southeastern zone includes that portion of the State lying between Interstate Highway 35 and the Mississippi River and between the Twin Cities and the Iowa border. Consult State regulations for specific boundaries.

2 In Lafayette, Marshall, and Paria Counties the daily bag and possession limits may not include more than 1 Canada goose.

3 In the State of Missouri:

a. In the Squaw Creek area, consisting of Atchison and Holt Counties and those portions of Andrew and Noddy Counties lying west of U.S. Highway 71, the open season on Canada geese is Oct. 21-Nov. 20.

b. In the South Line quota area, consisting of those portions of the counties of Livingston, Carroll, Lafayette, Saline, Howard, Chariton, and Boone, bounded by roads starting at the junction of U.S. Highways 36 and 83 at Chal-Scott, Boone, and along U.S. Highway 83 to the junction with State Highway 26, thence north and east along State Highway 26 to the junction with State Highway 8 at Glasgow, thence north along State Highway 5 to the junction with U.S. Highway 36 north of Marston, thence west along U.S. Highway 36 to the point of beginning, the season on Canada geese opens on Oct. 11 and closes when the quota of 14,000 birds has been antedated or on Jan. 8, whichever comes first.

c. In the Lower Mississippi zone, consisting of the area lying east of a line running south along U.S. Highway 61 from the junction with U.S. Highway 60 until it becomes Interstate Highway 55, then south along Interstate Highway 55 to the Arkansas border, the season on Canada geese is Dec. 19-Jan. 23. The daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each, and the possession limit may not include more than 4 Canada and white-fronted geese in the aggregate, of which not more than 1 may be white-fronted geese.

d. In the remainder of the State, the season on Canada geese is Oct. 21-Nov. 20.

e. In Kern County, the daily bag limit on Canada geese is 1 after Dec. 1.

f. In Kern, Kings, San Diego, Santa Barbara, Santa Clara, Santa Cruz, Santa Inez, and Kern counties, the daily bag limit is 1 and the possession limit is 2 geese and the open season on geese is Dec. 1-31.

g. The Iowa land and water areas of all of Nassau and Suffolk Counties and that part of Westchester County north of the Hudson River, Parkway.

h. The Lake Champlain area includes that part of New York State lying east and north of a line running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Kenesaw, along New York Route 22 to South Bay, along the shore of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 33, and westward to the western shore of U.S. Highway 33 to the Canada border.

i. In that portion of North Dakota lying east of State Highway 8, the daily bag limit may not include more than 1 Canada goose, or 2 white-fronted geese, or 1 of each. In that portion of North Dakota lying west of State Highway 8, the daily bag limit may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each. The possession limit in North Dakota may not include more than 2 Canada and white-fronted geese singly or in the aggregate of these species.

j. The Pymatuning Reservoir area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 308 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

k. The possession limit on ducks may not include more than 2 wood ducks.

l. In Alaska, Bryan, Johnston, and Marshall Counties, the daily bag limit may not include more than 1 Canada and 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.

m. In the State of Pennsylvania:

a. The possession limit on ducks may not include more than 2 wood ducks.

b. In Crawford and Erie Counties the season on geese and brant is Oct. 2-Dec. 8.

c. In Crawford and Lebanon Counties and on the Susquehanna River between the Clark's Ferry Bridge in Dun-County and the confluence of the north and west branches of the Susquehanna River in Northumberland County, and in all of Lancaster County, except of the Susquehanna River, the daily bag limit is 2 geese.

d. In that portion of South Dakota lying east of U.S. Highway 281 and north of State Highway 24, and in those counties contiguous to the Missouri River between the North Dakota border and the Nebraska border, the daily bag limit may not include more than 1 Canada goose and 1 white-fronted goose, and the possession limit may not include more than 2 Canada geese, or 1 white-fronted goose, or 1 of each.

e. In that portion of Texas lying east of U.S. Highway 81, the daily bag limit may not include more than 1 Canada and 1 white-fronted goose, or 1 of each; and in that portion of Texas lying west of U.S. Highway 81, the daily bag and possession limits may not include more than 2 Canada geese, or 2 white-fronted geese, or 1 of each.

f. In Addison County, the daily bag limit is 2 and the possession limit is 4 geese.

g. The Back Bay area of Virginia includes Back Bay and its tributaries and marshes adjacent thereto, the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina border, North Landing River and marshes adjacent thereto, and Lake Tecomuch and Red Wing Lake and the marshes adjacent thereto.

h. The daily bag limit is 1 Canada and 1 white-fronted goose, and the possession limit is 2 Canada geese, or 2 white-fronted geese, or 1 of each. The hunting of Canada geese in the Horizon Zone is subject to special regulations (§ 10.40.61)4



## (f) Pacific Flyway.

	Ducks (except mergansers)	Mergansers	Coots and gallinule	Geese	Brant	Common snipe (Wilson's)
Daily bag limit.....	4	5	25	6	4	8
Possession limit.....	12	10	25	6	8	16
Shooting hours.....	One-half hour before sunrise until sunset.					

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Season in:			
Arizona <sup>1</sup> .....	Oct. 10-Jan. 16.....	Nov. 13-Jan. 9.....	Nov. 13-Jan. 16.....
California <sup>2</sup> .....		Nov. 20-Feb. 20.....	Nov. 13-Jan. 16.....
Tule Lake area.....	Oct. 9-Jan. 9.....	Oct. 9-Jan. 9.....	
Colorado River area <sup>3</sup> .....	Oct. 16-Jan. 16.....	Nov. 13-Jan. 9.....	
Northern zone <sup>4</sup> .....	Oct. 16-Jan. 16.....	Oct. 16-Jan. 16.....	
Southern zone <sup>4, 5</sup> .....	Oct. 9-Nov. 14.....	Oct. 9-Nov. 14.....	
Colorado <sup>6, 7, 8</sup> .....	Oct. 2-Jan. 2.....	Oct. 23-Dec. 19.....	Oct. 9-Dec. 12.....
Idaho <sup>9, 10, 11, 12, 13</sup> .....	Oct. 9-Jan. 9.....	Oct. 9-Jan. 9.....	Oct. 9-Dec. 5.....
Montana <sup>14, 15, 16</sup> .....	Oct. 9-Jan. 9.....	Oct. 9-Dec. 5.....	Oct. 2-Dec. 5.....
Nevada.....			
Clark and Lincoln Counties <sup>17</sup> .....	Oct. 16-Jan. 16.....	Nov. 13-Jan. 9.....	
Remainder of State.....	Oct. 2-Jan. 2.....	Oct. 16-Jan. 16.....	
New Mexico <sup>18, 19</sup> .....	Oct. 16-Jan. 16.....	Oct. 16-Jan. 16.....	
Oregon <sup>20, 21, 22</sup> .....	Oct. 9-Jan. 9.....	Oct. 9-Jan. 9.....	Nov. 20-Feb. 20.....
Utah <sup>23</sup> .....	Oct. 2-Jan. 2.....	Oct. 23-Dec. 19.....	Oct. 2-Dec. 5.....
Washington <sup>24, 25</sup> .....	Oct. 16-Jan. 16.....	Oct. 16-Jan. 16.....	Nov. 20-Feb. 20.....
Wyoming <sup>26, 27, 28</sup> .....	Oct. 2-Dec. 31.....	Oct. 2-Dec. 31.....	Oct. 2-Dec. 5.....

<sup>1</sup> In all States, the daily bag and possession limit may not include more than 2 canvasback ducks.

<sup>2</sup> In all States, the daily bag limit may not include more than 1 and the possession limit may not include more than 2 hooded mergansers.

<sup>3</sup> Daily bag and possession limits apply singly or in the aggregate of these species.

<sup>4</sup> In all States the daily bag limit may not include more than 3 geese of the dark species, and the daily bag and possession limits may not include more than 1 Ross' goose.

<sup>5</sup> The daily bag and possession limits may not include more than 2 Canada geese, and the season on Canada geese closes January 9.

<sup>6</sup> The Tule Lake area, Colorado River area, Northern Zone and Southern Zone are defined in Title 14 § 502 of the California Administrative Code.

<sup>7</sup> In that portion of California Fish and Game District No. 22 not included in the Colorado River area, the daily bag and possession limits may not include more than 1 Canada goose.

<sup>8</sup> The daily bag and possession limit is 7 ducks.

<sup>9</sup> Pacific Flyway portion consists of:

Colorado and Wyoming: The area lying west of the Continental Divide.

Montana: The counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

New Mexico: The area lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation.

<sup>10</sup> In the State of Utah; in the State of Idaho (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater, and Idaho Counties); in the Oregon counties of Baker and Malheur; and in those portions of Colorado, Montana, and Wyoming placed in the Pacific Flyway, the daily bag and possession limit is 2 Canada geese. The season on Canada geese in these areas of Idaho and Oregon ends January 2.

<sup>11</sup> The daily bag limit is 3 and the possession limit is 6 geese.

<sup>12</sup> In the Idaho counties of Clark, Fremont, Madison, and Teton and in the Montana counties of Beaverhead, Gallatin, and Madison the season is closed on snow and Ross' geese.

<sup>13</sup> In Bear Lake, Bonneville, Caribou, Clark, Fremont, Jefferson, Madison, Teton, Blingham, Power, Bannock, Oneida, and Franklin Counties, the Canada goose season ends December 5, and the daily bag and possession limit may not include more than 2 Canada geese.

<sup>14</sup> In that portion of the State of Idaho lying east of U.S. Highway 93, the season on Canada geese ends December 5.

<sup>15</sup> There is no open season on geese north of U.S. Highway 66.

<sup>16</sup> In the Columbia Basin area of Idaho (counties of Ada, Bannock, Benewah, Blingham, Blaine, Bonner, Boundary, Camas, Canyon, Cassia, Elmore, Gem, Gooding, Jerome, Kootenai, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Twin Falls, and Washington), and in the Columbia Basin area of Oregon (counties of Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wasco), the open season for taking ducks, coots, and gallinule is Oct. 9-Jan. 23. In the Columbia Basin area of Washington (all that portion of the State lying east of the summit of the Cascade Mountains), the open season for taking ducks, coots, and gallinule is Oct. 16-Jan. 23. In these areas, the daily bag limit is 7 and the possession limit is 14 ducks. The shooting hours are from one-half hour before sunrise until one-half hour after sunset.

<sup>17</sup> In the Washington counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klackit, and Kittitas, and in the Oregon counties of Morrow, Wasco, Sherman, Gilliam, and Umatilla, the open season for geese is Oct. 16-Jan. 23, and the bag limits are the same as in their respective States.

(g) Point system—ducks, mergansers, and coots. The States listed in this paragraph have selected the experimental point system bag limits on designated species, on a statewide basis, in place of the conventional bag limits.

(1) The point values for the species and sexes taken are as follows:

100 points	90 points	20 points
Canvasback duck.	Hen mallard.	Drake mallard.
Redhead duck.	Wood duck.	Hen pintail.
	Black duck.	Ringneck duck.
	Hooded merganser.	Green-winged teal. <sup>1</sup>
	Mottled duck. <sup>2</sup>	Mottled duck. <sup>2</sup>
	New Mexican duck. <sup>3</sup>	

<sup>1</sup> Point value for Florida and New Jersey only.

<sup>2</sup> Point value for Colorado, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming only.

10 points	0 points
All other sexes and species of ducks and mergansers. <sup>4</sup>	Coot. <sup>4</sup>

<sup>3</sup> In New Jersey, during any part of the regular sea duck open season (Sept. 25-Jan. 9) which falls outside the point system season, the regular sea duck limit of 7 daily and 14 in possession will apply.

<sup>4</sup> No point value but conventional bag limits of 15 daily and 30 in possession apply.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days.

## Season in:

Colorado <sup>1</sup> .....	Oct. 2-Oct. 14
Florida.....	Nov. 1-Jan. 16
Illinois.....	Nov. 25-Jan. 20
Iowa.....	Oct. 23-Dec. 11
Michigan.....	Oct. 2-Nov. 20
Montana <sup>2</sup> .....	Oct. 1-Nov. 19
Nebraska:	Oct. 2-Dec. 30
High plains area <sup>3</sup> .....	Oct. 9-Oct. 31
Remainder of State.....	Nov. 4-Jan. 9
New Jersey.....	Oct. 9-Oct. 31
New Mexico <sup>4</sup> .....	Nov. 4-Dec. 20
Oklahoma.....	Oct. 16-Oct. 23
South Dakota:	Nov. 18-Jan. 8
High plains area <sup>5</sup> .....	Oct. 16-Nov. 25
Remainder of State.....	Dec. 11-Jan. 8
Texas.....	Oct. 2-Dec. 30
Wyoming <sup>6</sup> .....	Oct. 2-Dec. 10
	Nov. 3-Jan. 11
	Oct. 2-Nov. 7
	Nov. 20-Jan. 11

<sup>1</sup> Central Flyway portion of the State.

<sup>2</sup> That portion of the State lying west of a line running south from the South Dakota border along U.S. Highway 183 to the junction with U.S. 20; thence west on U.S. 20 to the junction with Nebraska State Highway 7; thence south on Nebraska 7 to the junction with Nebraska 91; thence southwest on Nebraska 91 to the junction with Nebraska 2; thence southeast on Nebraska 2 to the junction with Nebraska State Highways 70 and 92; thence west on Nebraska 40; thence south on Nebraska 40 to the junction with Nebraska 47; thence south on Nebraska 47 to the junction with Nebraska 23; thence east on Nebraska 23 to the junction with U.S. Highway 283; thence south on U.S. 283 to the Kansas State line.

<sup>3</sup> That portion of the State lying west of a line running south from the North Dakota border along U.S. Highway 83 to the junction with U.S. 14; thence east on U.S. 14 to Blunt; thence south on county gravel road to the junction with U.S. 34; thence southwest across Big Bend Reservoir along buoy markers to Fort Defiance Road; thence west to southbound county gravel road; thence south to the junction of U.S. 16 and 183 at Presho; thence south on U.S. 183 to the Nebraska State line.

(h) Scaup only season. A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit.....	5
Possession limit.....	10
Shooting hours: One-half hour before sunrise until sunset.	

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

## Season in:

Connecticut.....	Jan. 14-Jan. 29
Florida.....	Jan. 21-Jan. 31
Massachusetts (coastal zone only).....	Jan. 3-Jan. 18
Michigan.....	Nov. 20-Dec. 5
New York (Long Island area only).....	Jan. 8-Jan. 23
Oklahoma.....	Nov. 26-Dec. 10
Rhode Island.....	Jan. 8-Jan. 23
West Virginia.....	Nov. 5-Nov. 20

4. Section 10.54 is amended to read as follows:

§ 10.54 Seasons and limits on little brown cranes and whistling swans.

(a) Little brown cranes. Subject to the applicable provisions of the preceding



sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(1) In the Central Flyway portion of Colorado, excluding the San Luis Valley, season dates are October 2–November 7, 1971.

(2) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates are October 30, 1971–January 30, 1972.

(3) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are December 4, 1971–January 30, 1972.

(4) In the North Dakota counties of Kidder, Stutsman, McLean, Sheridan, and Burleigh; and in that portion of the State of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, north-west on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, season dates are November 13–December 12, 1971.

(b) *Whistling swans.* Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(1) The season must run concurrently with the season for ducks.

(2) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton.

(3) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill.

(4) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan, and

(5) Permit forms and correspondingly numbered metal locking seals furnished by the Bureau must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and

carry on his person while hunting, a properly validated 1971–72 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, he must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

W. T. PECORA,  
Acting Secretary.

Department of the Interior.

AUGUST 27, 1971.

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SUBCHAPTER C—THE NATIONAL WILDLIFE SYSTEM

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-2-71). These regulations apply to public hunting on portions of certain national wildlife refuges in Idaho.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintained roads and trails. Maps are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR.

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

Migratory game birds may be hunted on the following refuge areas:

Bear Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Camas National Wildlife Refuge, Hamer, ID 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

*Special condition.* Hunting permitted only Wednesdays, Saturdays, and Sundays.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

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

Upland game birds may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

*Special condition.* Pheasant and sage grouse only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

*Special condition.* Pheasants may be hunted only Wednesdays, Saturdays, and Sundays.

Minidoka National Wildlife Refuge, Route 4, Rupert, ID 83350.

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

Big game animals may be hunted on the following refuge areas:

Camas National Wildlife Refuge, Hamer, Idaho 83425.

*Special condition.* Antelope only may be hunted.

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, ID 83651.

*Special condition.* Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, Post Office Box 837, Soda Springs, ID 83276.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 88, Bonners Ferry, ID 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1971.

[FR Doc. 71-12877 Filed 9-1-71; 8:49 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Montana

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-2-71). These regulations apply to public hunting on portions of certain national wildlife refuges in Montana.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR.

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

Migratory game birds may be hunted on the following refuge areas:

Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, MT 59401.

Bowdoin National Wildlife Refuge, Post Office Box J, Malta, MT 59538.

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewiston, MT 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Mont. 59247.

Ravalli National Wildlife Refuge, Post Office Box 257, Stevensville, MT 59870.

*Special Conditions.* 1. Boats are not permitted.

2. Hunters must "sign out" at check station.

Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, MT 59739.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, MT 59538.



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

Upland game birds may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, MT 59457.  
Ravalli National Wildlife Refuge, Post Office Box 257, Stevensville, MT 59870.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, MT 59538.  
Bowdoin National Wildlife Refuge, Post Office Box J, Malta, MT 59538.

*Special condition.* Pheasants only may be hunted.

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

Big game animals may be hunted on the following refuge areas:

Charles M. Russell National Wildlife Range, Post Office Box 110, Lewistown, MT 59457.

Medicine Lake National Wildlife Refuge, Medicine Lake, Montana 59247.

Ravalli National Wildlife Refuge, Post Office Box 257, Stevensville, MT 59870.

Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, MT 59739.

UL Bend National Wildlife Refuge, Post Office Box J, Malta, MT 59538.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,  
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 26, 1971.

[FR Doc.71-12878 Filed 9-1-71; 8:50 am]

**PART 32—HUNTING**

**Certain National Wildlife Refuges in Nevada**

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-2-71). These regulations apply to public hunting on portions of certain national wildlife refuges in Nevada.

*General conditions.* Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving Street, Portland, OR.

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

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, NV 89406.

Pahrnagat National Wildlife Refuge, Post Office Box 440, Las Vegas, NV 89101.

*Special condition.* The use of motors on boats is not permitted.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833.

*Special condition.* Waterfowl only may be hunted.

Stillwater Wildlife Management Area, Post Office Box 592, Fallon NV 89406.

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

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, Post Office Box 592, Fallon, NV 89406.

Pahrnagat National Wildlife Refuge, Post Office Box 440, Las Vegas, NV 89101.

Sheldon National Antelope Refuge, Nev. (Headquarters: Post Office Box 111, Lakeview, O.R. 97630).

Stillwater Wildlife Management Area, Post Office Box 592, Fallon, NV 89406.

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

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, NV 89108.

*Special condition.* Desert bighorn sheep only.

Sheldon National Antelope Refuge, NV (Headquarters: Post Office Box 111, Lakeview, OR 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1972.

CLAY E. CRAWFORD,  
*Acting Regional Director, Bureau of Sport Fisheries and Wildlife.*

AUGUST 26, 1971.

[FR Doc.71-12879 Filed 9-1-71; 8:50 am]

**PART 32—HUNTING**

**Kofa Game Range, Ariz.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

**ARIZONA**

**KOFA GAME RANGE**

The public hunting of quail, rabbits, coyotes, gray fox, bobcat, and skunks on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. The open area, comprising 660,000 acres, is delineated on maps available at the refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, rabbits, coyotes, gray fox, bobcat, and skunks subject to the following special conditions:

(a) The open season for hunting quail, rabbits, coyotes, gray fox, bobcats, and skunks on the refuge extends from October 1 through November 30, 1971, inclusive.

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 November 30, 1971.

ROBERT W. THOESEN,  
*Refuge Complex Supervisor, Kofa Game Range, Yuma, Ariz.*

AUGUST 16, 1971.

[FR Doc.71-12867 Filed 9-1-71; 8:49 am]

**PART 32—HUNTING**

**Imperial National Wildlife Refuge, Ariz. and California**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

**ARIZONA AND CALIFORNIA**

**IMPERIAL NATIONAL WILDLIFE REFUGE**

Public hunting of quail, cottontail and jack rabbits on the Imperial National Wildlife Refuge is permitted except in the area designated by signs as closed to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—quail, cottontail, and jack rabbits, October 1, 1971 through January 31, 1972, inclusive. California—quail, October 30, 1971 through January 30, 1972, inclusive. Cottontail and jack rabbits, October 1, 1971 through January 30, 1972, inclusive.

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

(a) Quail and rabbits may be taken with shotguns only. Possession of .22 caliber rimfire firearms is prohibited.

(b) A maximum of two (2) dogs per hunter may be used while engaged in hunting so long as these animals are kept under strict control.

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 January 31, 1972.

ROBERT W. THOESEN,  
*Refuge Complex Supervisor, Imperial National Wildlife Refuge, Yuma, Ariz.*

AUGUST 16, 1971.

[FR Doc.71-12866 Filed 9-1-71; 8:49 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 (9-2-71).

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

**ILLINOIS**

**MARK TWAIN NATIONAL WILDLIFE REFUGE**

Public hunting of rabbits and quail on the Mark Twain National Wildlife Refuge, Ill., is permitted only on the area of the Batchtown Division designed by signs as open to hunting. This open area, comprising 2,250 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 rabbits and quail and subject to the following conditions:

(1) The open season for hunting rabbits on the refuge is from December 12, 1971 through January 31, 1972.

(2) The open season for hunting quail on the refuge is from December 12, 1971 through December 31, 1971.

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 January 31, 1972.

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

JULY 8, 1971.

[FR Doc.71-12861 Filed 9-1-71;8:48 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 (9-2-71).

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

**ILLINOIS**

**MARK TWAIN NATIONAL WILDLIFE REFUGE**

Public hunting of rabbits and quail 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 4,500 acres lying west of the Illinois River 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 rabbits and quail and subject to the following conditions:

(1) The open season for hunting rab-

bits on the refuge is from December 12, 1971 through January 31, 1972.

(2) The open season for hunting quail on the refuge is from December 12, 1971 through December 31, 1971.

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 January 31, 1972.

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

JULY 8, 1971.

[FR Doc.71-12863 Filed 9-1-71;8:48 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 (9-2-71).

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

**ILLINOIS**

**MARK TWAIN NATIONAL WILDLIFE REFUGE**

Public hunting of raccoons on the Mark Twain National Wildlife Refuge, Ill. is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,299 acres, is delineated on maps 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 raccoons and subject to the following conditions:

(1) The open season for hunting raccoons on the Batchtown and Calhoun Divisions is from December 12, 1971 through January 31, 1971 (12:00 noon), 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 January 31, 1972.

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

JULY 8, 1971.

[FR Doc.71-12864 Filed 9-1-71;8:48 am]

**PART 32—HUNTING**

**Lostwood National Wildlife Refuge, N. Dak.**

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

**NORTH DAKOTA**

**LOSTWOOD NATIONAL WILDLIFE REFUGE**

Public hunting of sharp-tailed grouse and Hungarian partridge on the Lostwood National Wildlife Refuge, N. Dak.,

is permitted only on that area designated by signs as open to hunting during the period September 18 through December 31, 1971. The open area, comprising 4,720 acres during the period September 18 through November 21 and 26,101 acres during the period November 22 through December 31, 1971, is delineated on maps available at the refuge headquarters, Lostwood, N. Dak., 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 and the following special condition:

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other refuge roads and trails are closed to vehicles.

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 January 1, 1972.

**RALPH W. WEIER,**  
*Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.*

AUGUST 27, 1971.

[FR Doc.71-12893 Filed 9-1-71;8:51 am]

**PART 32—HUNTING**

**Arrowwood National Wildlife Refuge, N. Dak.**

*Correction*

In F.R. Vol. 36, No. 151—Thursday, August 5, 1971, pages 14386 and 14387, F.R. Doc. 71-11185 filed August 4, 1971; 8:46 a.m. Subparagraph (2) under special conditions should read as follows:

(2) The open season for hunting deer on the refuge is from 12 noon to sunset on August 27, 1971, through sunset September 30, 1971, and from sunrise to sunset December 3, 1971, through December 31, 1971.

**ARNOLD D. KRUSE,**  
*Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.*

AUGUST 25, 1971.

[FR Doc.71-12859 Filed 9-1-71;8:48 am]

**PART 32—HUNTING**

**Kofa Game Range, Ariz.**

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

**ARIZONA**

**KOFA GAME RANGE**

Public hunting of bighorn sheep and deer on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 4 through December 19, 1971, inclusive. The deer season extends from September 3 through September 19, 1971,



inclusive, and from October 29 through November 14, 1971, inclusive. The open bighorn sheep and deer hunting area, comprising 660,000 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103.

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

(a) Bighorn sheep limited to ten (10) permits issued by the Arizona Game and Fish Department.

(b) Bighorn sheep hunters may hunt only in those areas designated on their permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

ROBERT W. THOESSEN,  
*Refuge Complex Supervisor,  
Kofa Game Range, Yuma,  
Ariz.*

AUGUST 16, 1971.

[FR Doc.71-12862 Filed 9-1-71;8:48 am]

#### PART 32—HUNTING

##### Imperial National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

##### ARIZONA AND CALIFORNIA

##### IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of deer and bighorn sheep on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted except in the area designated by signs as closed to hunting. This open area, comprising 16,500 acres, is delineated on maps available at the refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting seasons are as follows: Arizona—deer, September 3 through September 19, 1971, inclusive, and October 29 through November 14, 1971, inclusive; bighorn sheep, December 4 through December 19, 1971, inclusive. California—deer, September 25 through November 14, 1971, inclusive; bighorn sheep, no open season in California.

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

(a) Except as provided under the special regulations covering the hunting of small game, doves, and migratory water-

fowl on the Imperial National Wildlife Refuge, possession of any firearm other than a legal deer hunting firearm as defined by State hunting regulations is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

ROBERT W. THOESSEN,  
*Refuge Complex Supervisor,  
Imperial National Wildlife  
Refuge, Yuma, Ariz.*

AUGUST 16, 1971.

[FR Doc.71-12865 Filed 9-1-71;8:48 am]

#### PART 32—HUNTING

##### Lostwood National Wildlife Refuge, N. Dak.

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

##### NORTH DAKOTA

##### LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting during the period November 12 through 21, 1971. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters, Lostwood, N. Dak., 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 and the following special conditions:

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other roads and trails are closed to vehicles.

2. A 1-square-mile area around the headquarters complex will be closed to hunting and marked by "Closed Area" signs.

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 January 1, 1972.

RALPH W. WEIER,  
*Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.*

AUGUST 27, 1971.

[FR Doc.71-12894 Filed 9-1-71;8:51 am]

#### PART 32—HUNTING

##### Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

##### NORTH DAKOTA

##### UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at refuge headquarters, Foxholm, N. Dak., and from the office of 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 covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from noon November 12 to sunset November 21, 1971, c.s.t.

(2) The refuge shall be closed to all vehicular travel except for the main public roads.

(3) The general deer license permits the taking of white-tailed deer with forked antlers on at least one side. Hunters with Special Unit III-A licenses may take white-tailed deer of any age or sex or any mule deer with forked antlers on at least one side. 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 November 21, 1971.

DON R. PERKUCHIN,  
*Refuge Manager, Upper Souris  
National Wildlife Refuge,  
Foxholm, N. Dak.*

AUGUST 27, 1971.

[FR Doc.71-12895 Filed 9-1-71;8:51 am]

#### PART 32—HUNTING

##### PART 33—SPORT FISHING

##### Upper Mississippi River Wild Life and Fish Refuge, Illinois, and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-2-71).

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

##### ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

##### UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is NOT permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising



153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

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 June 30, 1972.

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

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest Fall State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox, and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wild Life and Fish Refuge during the period from March 1 until the first day of the earliest Fall State game bird or game animal season applicable to the geographic area concerned.

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 June 30, 1972.

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

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for bucks, applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

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 June 30, 1972.

**§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.**

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and

clams on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. All fishing is subject to the following conditions:

(1) Unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll County, Ill., is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the Refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective until June 30, 1972.

TRAVIS S. ROBERTS,  
Regional Director.

AUGUST 24, 1971.

[FR Doc.71-12874 Filed 9-1-71;8:49 am]

**Title 10—ATOMIC ENERGY**

**Chapter I—Atomic Energy Commission**

**PART 70—SPECIAL NUCLEAR MATERIAL**

**Plutonium Processing and Fuel Fabrication Plants**

On May 28, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 9786) proposed amendments of its regulations in 10 CFR Part 70, "Special Nuclear Material," which would provide for Commission review, prior to construction of the site and design bases for plutonium processing and fuel fabrication plants for which a license is sought.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. Upon consideration of the



comments received and other factors involved, the Commission has adopted the amendments set out below. These amendments are identical to those published for comment except for minor changes reflecting amendments to Part 70 which were published in the FEDERAL REGISTER subsequent to May 28, 1971.

The requirements of the amendments will apply to plants for the manufacture of plutonium reactor fuel and plants for the conduct of plutonium fuel research and development activities. These plants typically process kilogram quantities of plutonium.

Under the amendments, an application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant must be filed at least 6 months before the beginning of plant construction. Such an application is required to contain, in addition to other required information, a description of the plantsite, a description and safety assessment of the design bases of the principal plant structures, systems and components, and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of structures, systems and components of the plant. Applicants for such licenses should select sites which are at reasonable distances from densely populated areas.

The purpose of the Commission's pre-construction review will be to determine whether the applicant's design bases for the principal structures, systems and components, and its quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents. The Commission will approve construction of the principal structures, systems and components of a plutonium processing and fuel fabrication plant when it has made a favorable safety determination. Failure to obtain Commission approval prior to beginning of construction may be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

The Commission is developing appropriate siting and general design criteria for plutonium processing and fabrication plants which will include consideration of protection against adverse natural phenomena as well as inplant accidents. In the interim, the siting principles of 10 CFR Part 100, the General Design Criteria for nuclear power reactors in 10 CFR Part 50 and the criteria used by the Commission to evaluate the adequacy of the design of irradiated fuel reprocessing plants will be used to the extent pertinent. The criteria set forth in appendix B of 10 CFR Part 50, "Quality Assurance Criteria for Nuclear Powerplants," will be used in determining the adequacy of the quality assurance programs.

Existing licensed plutonium processing and fabrication plants will be examined with the objective of improving to the extent practicable their ability to withstand adverse natural phenomena without loss of capability to protect the public

and their capability for coping with in-plant accidents.

The Commission has found that, because of the importance of the amendments in regard to the public health and safety, good cause exists for making the amendments effective without the customary 30-day notice. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70, are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (9-2-71).

1. A new paragraph (r) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

(r) "Plutonium processing and fuel fabrication plant" means a plant in which the following operations or activities are conducted: (1) Operations for manufacture of reactor fuel containing plutonium including any of the following: (i) Preparation of fuel material; (ii) formation of fuel material into desired shapes; (iii) application of protective cladding; (iv) recovery of scrap material; and (v) storage associated with such operations; or (2) research and development activities involving any of the operations described in subparagraph (1) of this paragraph, except for research and development activities utilizing unsubstantial amounts of plutonium.

2. A new paragraph (g) is added to § 70.21 to read as follows:

§ 70.21 Filing.

(g) An application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall be filed at least six (6) months prior to beginning construction of the plant. The application shall be filed as specified in paragraph (a) of this section, except that 25 copies of the application shall be submitted.

3. A new paragraph (f) is added to § 70.22 to read as follows:

§ 70.22 Contents of applications.

(f) Each application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall contain, in addition to the other information required by this section, a description of the plantsite, a description and safety assessment of the design bases of the principal structure, systems, and components of the plant, including provisions for protection against natural phenomena, and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of the structures, systems, and components of the plant.<sup>1</sup>

<sup>1</sup> The description of the quality assurance program should include a discussion of how the criteria in Appendix B of Part 50 of this chapter will be met.

4. Section 70.23 is amended by designating the introductory language as paragraph (a); paragraph (a) through (e) are redesignated as subparagraphs (1) through (5); paragraphs (g) and (h) are redesignated as subparagraphs (6) and (7); a new paragraph (a)(8) is added; and a new paragraph (b) is added to read as follows:

§ 70.23 Requirements for the approval of applications.

(a) An application for a license, other than a license for export, will be approved if the Commission determines that:

(1) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the Act,<sup>2</sup> in activities licensed by the Commission under section 103 or 104 of the Act, or for such other uses as the Commission determines to be appropriate to carry out the purposes of the Act;

(2) The applicant is qualified by reason of training and experience to use the material for the purpose requested in accordance with the regulations in this chapter;

(3) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

(4) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate;

(5) Where the nature of the proposed activities is such as to require consideration by the Commission, that the applicant appears to be financially qualified to engage in the proposed activities in accordance with the regulations in this part;

(6) Where the applicant is required to submit a summary description of the fundamental material controls provided in his procedures for the control of and accounting for special nuclear material pursuant to § 70.22(b)(2), the applicant's proposed controls are adequate;

(7) The applicant has satisfied any applicable requirements contained in appendix D of Part 50 of this chapter; and

(8) Where the proposed activity is the operation of a plutonium processing and fuel fabrication plant, construction of

<sup>2</sup> The types of research and development activities specified in section 31 are those relating to:

- (1) Nuclear processes;
- (2) The theory and production of atomic energy, including processes, materials, and devices related to such production;
- (3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health or military purposes;
- (4) Utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial use, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and
- (5) The protection of health and the promotion of safety during research and production activities.



the principal structures, systems, and components approved pursuant to paragraph (b) of this section has been completed in accordance with the application.

(b) The Commission will approve construction of the principal structures, systems, and components of a plutonium processing and fuel fabrication plant on the basis of information filed pursuant to § 70.22(f) when the Commission has determined that the design bases of the principal structures, systems, and components, and the quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents.<sup>2</sup> Failure to obtain Commission approval prior to beginning of such construction may be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

(Secs. 53, 161, 182, 68 Stat. 930, 948, 953, as amended; 42 U.S.C. 2073, 2201, 2232)

Dated at Germantown, Md., this 20th day of August 1971.

For the Atomic Energy Commission.

W. B. McCool,

Secretary of the Commission.

[PR Doc.71-12837 Filed 9-1-71; 8:46 am]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-RM-10]

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

##### Alteration of Transition Area

On July 15, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13156) 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 KallsPELL, Montana 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., November 11, 1971.

<sup>2</sup> The criteria in appendix B of Part 50 of this chapter will be used by the Commission in determining the adequacy of the quality assurance program.

(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 Aurora, Colo., on August 24, 1971.

C. D. REA,

Acting Director,

Rocky Mountain Region.

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

##### KALLSPELL, MONT.

That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the KallsPELL VOR 334° radial, extending from an arc of a 5-mile-radius circle centered on Glacier Park International Airport (latitude 43°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 KallsPELL 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 KallsPELL VOR 346° radial, extending from the VOR to 7 miles-north of the VOR.

[PR Doc.71-12870 Filed 9-1-71; 8:40 am]

[Docket No. 11356; Amdt. No. 772]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Amendments

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

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

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

per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective September 30, 1971:

Bluefield, W. Va.—Mercer County Airport; VOR Runway 22, Amdt. 4; Revised.  
Mansfield, Mass.—Mansfield Municipal Airport; VOR-A, Amdt. 7; Revised.  
Morgantown, W. Va.—Morgantown Municipal Airport; VOR-A, Amdt. 5; Revised.  
Nashville, Tenn.—Nashville Metropolitan Airport; VOR Runway 31, Amdt. 30; Revised.  
Olive Branch, Miss.—Municipal Airport; VOR-A, Original; Canceled.  
Raleigh, N.C.—Raleigh Municipal Airport; VOR Runway 14, Original; Established.  
Tuscaloosa, Ala.—Van DeGraaff Airport; VOR Runway 22, Amdt. 2; Revised.  
Indianola, Miss.—Indianola-Legion Airport; VOR/DME-A, Amdt. 1; Revised.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective September 30, 1971:

North Bend, Oreg.—North Bend Municipal Airport; NDB Runway 13, Amdt. 4; Revised.  
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater International Airport; NDB Runway 17, Amdt. 14; Revised.  
Sanford, Fla.—Sanford Airport; NDB Runway 9, Amdt. 1; Revised.  
Stow, Mass.—Minute Man Field; NDB-A, Amdt. 1; Revised.

3. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective September 30, 1971:

St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater International Airport; ILS Runway 17, Amdt. 12; Revised.

4. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective September 30, 1971:

Middletown, Pa.—Olmstead State Airport; Radar-1, Amdt. 2; Revised.

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

Issued in Washington, D.C., on August 26, 1971.

JAMES F. RUDOLPH,

Director,

Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 13, 1969.

[PR Doc.71-12760 Filed 9-1-71; 8:45 am]



## Title 18—CONSERVATION OF POWER AND WATER RESOURCES

### Chapter 1—Federal Power Commission

[Dockets Nos. R-389, R389A; Order 435]

#### PART 2—GENERAL POLICY AND INTERPRETATIONS

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

AUGUST 20, 1971.

In the opinion and order establishing initial rates in the Rocky Mountain Area, issued July 15, 1971, and published in the FEDERAL REGISTER, July 22, 1971, (36 F.R. 13585), footnote 8 after "Southern Union Gathering Company," insert "(Commission reclassification to a "natural gas pipeline" in Docket No. CP71-26 is still pending)".

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12902 Filed 9-1-71;8:51 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 5A—Federal Supply Service, General Services Administration CONTRACT TERMINATION FORMATS

The following amendments are made in Chapter 5A:

#### PART 5A-1—GENERAL

##### Subpart 5A-1.3—General Policies

Section 5A-1.318-1 is revised as follows:

§ 5A-1.318-1 Contracting officer's decision under the Disputes clause.

(a) The adequacy of the contracting officer's decision under the Disputes clause, as required by § 1-1.318-1, and of the contents of any subsequent notice of appeal, as provided for by § 5-60.201, shall be properly ensured. Accordingly, the following paragraphs shall be set forth in all contracting officers' decisions subject to the Disputes clause:

This decision is made in accordance with the Disputes clause and shall be final and conclusive as provided therein, unless a written Notice of Appeal addressed to the Administrator of General Services is mailed or otherwise furnished to the contracting officer. The Notice of Appeal, which is to be signed by you as the contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision and should identify the contract by number. The Notice of Appeal should include a statement of the reasons why the decision is considered to be erroneous.

In the event you desire to file an appeal from this decision, there is enclosed for your convenience GSA Form 2465, Notice of Ap-

peal, in triplicate, for completion and signature. All the items of information requested must be supplied. If sufficient space is not available on this form for each item, please attach a supplemental sheet or sheets. Also attached is an additional copy of the form which should be completed and retained for your files. The Notice of Appeal is to be signed by the appellant personally, if an individual, or, if not, by an authorized officer or duly authorized representative of the appellant organization and submitted in triplicate to the contracting officer.

The Notice of Appeal must be mailed or otherwise furnished to the contracting officer within 30 days from receipt of this decision or your appeal shall be considered untimely.

(b) Whenever a decision of the contracting officer is concerned with the termination of a contract and/or purchase order(s) for default, with a finding of inexcusability, the format described in § 5A-76.121 shall be used in lieu of that set forth in § 5A-1.318-1(a), above.

(c) Notice of appeal action under the above circumstances may be effected by use of GSA Form 2465, Notice of Appeal, as illustrated by § 5A-16.950-2465.

#### PART 5A-76—EXHIBITS

1. The table of contents of Part 5A-76 is amended by the addition of the following new entry:

Sec.  
5A-76.121 Format for decision of the Contracting Officer with respect to termination for default.

2. The illustrations identified in §§ 5A-76.104 through 5A-76.118 and 5A-76.120 are revised to conform with current GSA correspondence practices.

§ 5A-76.104 Format for Notice of Termination in Whole Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Finding of Inexcusability.

§ 5A-76.105 Format for Notice of Partial Termination Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Finding of Inexcusability.

§ 5A-76.106 Format for Notice of Termination in Whole Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Finding of Inexcusability.

§ 5A-76.107 Format for Notice of Partial Termination Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Finding of Inexcusability.

§ 5A-76.108 Format for Notice of Termination in Whole Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Request for Information on Excusability.

§ 5A-76.109 Format for Notice of Partial Termination Under Subparagraph (a)(i) of the Default Clause (1-8.707) With Request for Information on Excusability.

§ 5A-76.110 Format for Finding of Excusability.

§ 5A-76.111 Format for Finding of Inexcusability.

§ 5A-76.112 Format for Preliminary Notice of Default Under Subparagraph (a)(i) of the Default Clause (1-8.707) (Termination in Whole).

§ 5A-76.113 Format for Preliminary Notice of Default Under Subparagraph (a)(i) of the Default Clause (1-8.707) (Partial Termination).

§ 5A-76.114 Format for Notice of Termination Under Subparagraph (a)(i) of the Default Clause (1-8.707) (For Use After Issuance of Preliminary Notice of Default).

§ 5A-76.115 Format for Preliminary Notice of Default Under Subparagraph (a)(ii) of the Default Clause (1-8.707).

§ 5A-76.116 Format for Notice of Termination Under Subparagraph (a)(ii) of the Default Clause (1-8.707) (Default Inexcusable).

§ 5A-76.117 Format for Notice of Termination Under Subparagraph (a)(ii) of the Default Clause (1-8.707) (Default Excusable).

§ 5A-76.118 Format for Notice of Repurchase Against Contractor's Account (1-8.602-6).

§ 5A-76.120 Format for Preliminary Notice of Default Under Subparagraph (a)(i) of the Default Clause—For Use by Representatives of the Contracting Officer (5A-53.472).

§ 5A-76.121 Format for decision of the Contracting Officer with respect to termination for default.

NOTE: The new illustration identified in 5A-76.121 and the revised illustrations identified in §§ 5A-76.104 through 5A-76.118 and 5A-76.120 are filed as a part of the original document. Copies may be obtained from the General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 83 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: August 25, 1971.

L. E. SPANGLER,  
Acting Commissioner,  
Federal Supply Service.

[FR Doc.71-12892 Filed 9-1-71;8:50 am]

### Chapter 9—Atomic Energy Commission

#### PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

##### Subpart 9-5.52—Procurement of Special Items

###### MISCELLANEOUS AMENDMENTS

These revisions to Part 9-5 bring AECPR in line with recent revisions to Federal Property Management Regulations pertaining to the use of GSA sources and with AEC consolidated procurement policy.

1. In Subpart 9-5.52, Procurement of Special Items, § 9-5.5206-6, *New refrigerators*, is revised to read as follows:



§ 9-5.5206 Miscellaneous items.

§ 9-5.5206-6 Appliances.

AEC offices shall procure new refrigerators, freezers, ranges, washers, dryers, water heaters, and garbage disposals in accordance with FPMR 101-26.503. When cost-type contractors, consistent with the policy set forth in § 9-5.901, procure these items from GSA supply sources, they shall be procured in accordance with FPMR 101-26.503.

2. In Subpart 9-5.52, Procurement of Special Items, § 9-5.5206-25, Procurement of gas masks and canisters, is revised to read as follows:

§ 9-5.5206-25 Procurement of gas masks and canisters.

M9 Army assault mask and M11 and M14 canisters; Supplies of the M9 Series Protective Field Mask (Army assault mask) and M11 and M14 canisters are being maintained at Oak Ridge, Tenn., and Richland, Wash., for requisition by AEC offices and cost-type contractors.

(a) The masks supplied by Oak Ridge and Richland are refurbished to serviceable condition and tested for reliability before they are placed in stock. Each mask has been equipped with an M11 canister and is packaged in a transparent film bag.

(b) For requisition of masks, purchasers should state, in addition to information for shipment, the quantity of masks required in large or medium size and whether a carrier for each mask is required. Price of each mask, with or without carrier, is \$13.50, f.o.b. Oak Ridge, Tenn., or Richland, Wash.

(c) For requisition of canisters for the M9 mask, purchasers should state, in addition to information for shipment, the type and quantity required at respective unit prices, f.o.b. Oak Ridge, Tenn., or Richland, Wash.:

Canister, M11, FSN 4240-112-9365 (filter paper and Whetlerized carbon) -- \$2.25

Canister, M14, FSN 4240-203-3733 (double thickness of filter paper) -- 8.40

(d) AEC or cost-type contractor purchase orders for masks and canisters should be addressed to:

(1) For delivery east of the Mississippi River:

Union Carbide Corp., Nuclear Division, Oak Ridge Gaseous Diffusion Plant, Post Office Box P, Oak Ridge, TN 37830.

(2) For delivery west of the Mississippi River:

Atlantic Richfield Hanford Co., Post Office Box 250, Richland, WA 99352.

(Sec. 161, Atomic Energy Act of 1954, as amended; 68 Stat. 948, 42 U.S.C., 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended; 63 Stat. 390, 40 U.S.C. 486)

**Effective date.** These amendments are effective upon publication in the FEDERAL REGISTER (9-2-71).

Dated at Germantown, Md., this 26th day of August 1971.

For the U.S. Atomic Energy Commission,

JOSEPH L. SMITH,  
Director,  
Division of Contracts.

[FR Doc.71-12836 Filed 9-1-71;8:46 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Chest Roentgenograph Examination Specifications

On May 29, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9874) to amend Part 37 by strengthening the provisions assuring confidentiality of X-ray findings.

Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. A number of comments were received, and due consideration has been given to all material presented. In view of the objections by both labor and industry, the amendment providing for the Department's intervention when any operator's plan is ineffective because of the limited participation of eligible miners has been deleted.

While a number of objections were received concerning the remaining amendments, these are adopted without change since the Department deems the necessary to maintain confidentiality, and the Department is committed to maintaining complete confidentiality of these examinations regardless of the manner in which they are provided. Moreover, since adoption of these amendments is intended to remove the doubts concerning the confidentiality of medical findings that some miners may have had and to encourage their participation in the initial round of medical examinations, I find that good cause exists for not delaying the effective date of these amendments which will become effective upon their publication in the FEDERAL REGISTER (9-2-71). Accordingly, within 15 days from the date of publication, operators who have submitted plans approved by the Department are required to amend such plans to bring them into conformity with § 37.4(a)(6), as amended, by submitting assurances that they have instructed the physicians giving the X-ray examinations not to take or make duplicate X-rays and that they will not solicit a physician's X-ray findings.

To permit operators to fulfill their responsibilities in the initial round of medical examinations, the Department will continue to accept X-rays taken under approved plans until November 1, 1971.

Dated: August 21, 1971.

VERNON E. WILSON,  
Administrator, Health Services  
and Mental Health Administration.

Approved: August 26, 1971.

ELLIOT L. RICHARDSON,  
Secretary.

Part 37 is amended as follows:  
1. Section 37.4 is revised to read as follows:

§ 37.4 Plans for initial chest roentgenographic examinations.

(a) \* \* \*

(6) Assurances that (i) the operator will not solicit a physician's roentgenographic findings and (ii) instructions have been given to the physician(s) giving the roentgenographic examinations that duplicate roentgenograms will not be taken or made.

(c) Every operator who has submitted a plan approved by the Department shall amend such plan to bring it into conformity with paragraph (a)(6) of this section, as amended, within 15 days after the effective date of the amendment to said section.

§ 37.20 [Amended]

2. Section 37.20 is amended by adding the following sentence at the end of paragraph (d)(5): "No other identifying information such as the miner's name or clinic number shall be recorded on the film."

[FR Doc.71-12875 Filed 9-1-71;8:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1; Circular No. 7]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 7

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

Note: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This seventh circular covers determinations by the Council through August 31, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 7

100. Purpose. (a) On August 15, 1971, President Nixon issued Executive Order No. 11615 providing for stabilization of prices, rents, wages, and salaries, and establishing the Cost of Living Council, a Federal agency. The Order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the Order was 12:01 a.m., August 16, 1971.



(b) By its Order No. 1 the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by Section 1 of Executive Order No. 11615.

(c) The purpose of this circular, the seventh in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote maximum understanding and cooperation in the application of the program.

200. *Authority.* Relevant legal authority for the program includes the following:

The Constitution.

Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.

Executive Order No. 11615, 36 F.R. 15127, August 17, 1971.

Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.

OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.

300. *General guidelines.* (a) The guidance provided in this circular is in the nature of additions to or clarifications of the previous determinations of the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(b) The numbering system used in this circular corresponds to that used in previous OEP Circulars.

400. *Price guidelines.*

401. *General guidelines.* (a) If one company (1) purchases another company (2) and the two companies had different prices for their products, the price ceilings in force at the time of the acquisition do not change after their consolidation. The ceilings that were applicable to the products of Company 2 continue to apply to sales made from that part of the merged company.

(b) A utility company which produces electricity with imported fuel cannot pass on increases in the cost of the fuel. The production of electricity by fuel is a transformation of the foreign good from its original state, thus precluding passing on the increased cost due to changes in the world market price. (If, however, the increase in fuel costs was due solely to the 10-percent surtax on imports, the price of electricity could be increased on a cent-for-cent basis to reflect the increase resulting from the surcharge. These increases, of course, would be subject to review by Federal or State regulatory agencies.)

(c) The clothing industry is subject to the freeze. It may have the options provided under the seasonality rule if it meets the following criteria:

(1) Prices must show a large and distinct fluctuation at a specific identified point of time which can be documented and shown to have been established practice for at least the last 3 years.

(2) Each change in price must be tied to the specific date, e.g., beginning of the resort season, introduction of new models or styles, etc.

If clothing firms meet the above two criteria there are three sets of base periods for establishing prices to use in

the free period. They may use (1) the Executive order period (30 days ending August 14 or the most recent 30-day period if no sales were made in the last 30 days), or they may use (2) the seasonality period of 1970 (from the date of the specific event through November 13). This price change date may not take place earlier this year than in 1970, unless the date is tied to a specific date such as a previously planned introduction of new styles and models. In certain cases, (3) the statutory date of May 25, 1970, may represent a higher ceiling than either of the above base period prices. (In these cases, they are free to adopt the May 25, 1970 prevailing prices.) The ceiling price so set would be based on the prices realized by a substantial number of transactions during the selected base period by the seller. As previously provided, the ceiling price established in a base period is that price at or above which 10 percent of all base period transactions were made. (See section 6(a)(1) of OEP Economic Stabilization Regulation No. 1, as amended.) Finally, the seller must maintain adequate records and have them available to demonstrate the existence of a traditional seasonality practice over the previous 3 years, and the basis for selection of his selling price from the 1970 period.

(d) Coal producers and utility companies had reached an impasse on the price of coal under an arbitration clause prior to August 15 and resorted to law suits to settle their difference. If the court decides, even though the decision was made after August 15, that higher prices should have been charged prior to August 15, the increases are permitted. On the other hand, if the court rules that prices may be raised after August 15, this price increase may not take effect during the freeze.

(e) When a seller received a large order during the base period for delivery during the freeze, this order cannot be included in the calculation of the price ceiling for this product.

A transaction takes place when the seller ships the product to the buyer, not when the order is received. In the case of a service, the transaction takes place when the service is performed. Each commodity or type of service is treated separately and, if shipments are made to different classes of purchasers under different terms, separate ceilings are calculated for each commodity for each class of purchaser. The ceiling price is based on the record of all the units of each commodity shipped to each class of purchaser during the base period, and is calculated as the highest price at or above which 10% of the units were shipped to a particular class of purchaser during the base period.

403. *Government-regulated industries.* (a) The operation of formulas for determining liquor prices established by a State, acting under the authority granted to it under the 21st amendment to the Constitution, is suspended by Executive Order No. 11615 where such formulas result in price increases.

(b) A railroad has had established rates for interstate movement of a com-

modity for several years. Since the freeze, the State Commerce Commission in two of the States served by the railroad has granted long-standing applications to increase intrastate rates to the same level as the interstate rate. Some other States have permitted the increases in intrastate rates before the freeze. Other States have not. The railroad cannot collect the higher intrastate rates in the two States which approved the rate increases after August 15. Under traditional statutory distinctions, intrastate rate structures are treated separate and apart from interstate rate structures.

408. *Exemptions.* (a) Section 408(b) of OEP Economic Stabilization Circular No. 6 is amended by the deletion of the word "guttled."

500. *Wage and salary guidelines.*

502. *Specific guidelines.* (a) If one company (1) purchased another company (2) after August 15, 1971, company 2 employees cannot be paid higher rates of compensation which may have prevailed in company 1 during the base period. A change in corporate ownership does not justify a change in the wage ceilings applicable to the jobs that were in Company 2.

(b) If a labor agreement had been reached prior to August 15, but had not been placed in effect, employees cannot be awarded any additional wages involved. The new rate can be paid, however, if labor and management had reached an agreement and work was performed or wages accrued prior to August 15 at the new wage rate.

(c) A company had in existence prior to the freeze a policy of increasing the pay of employees transferred to higher cost-of-living areas, for example—New York City. Such plans are not prohibited during the freeze. However, the employer must be able to document the existence of such a plan prior to the freeze, and must not increase the differential during the freeze.

600. *Rent guidelines.*

602. *Specific guidelines.* (a) A 10-year lease was negotiated and the tenant assumed possession on September 1, 1966. The terms of the lease called for monthly payments at \$300 for the first 5 years and \$350 for the second 5 years. This contract specifies a total amount to be paid within a specified time. Although the payments are due to increase September 1, the increase cannot be paid. The stated total rental is based on the monthly rate charged. The monthly rate is frozen at \$300 a month.

(b) An increase in property taxes cannot be passed on to the tenant even if the lease specifically provides for the tenant to pay increased taxes.

1001. *Effective date.* This Circular, unless modified, superseded, or revoked, is effective on the date of publication for a period terminating at midnight of November 13, 1971.

Dated: September 1, 1971.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.  
[FR Doc. 71-13093 Filed 9-1-71; 3:09 pm]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 1 ]

DISTRICT OF LAREDO, TEX.

### Notice of Proposed Designation of a Customs Port of Entry

AUGUST 23, 1971.

In order to provide better Customs service in the Laredo, Tex., Customs district, it is considered desirable to convert the existing Customs station of Progreso, Tex., to the status of a Customs port of entry. Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to designate Progreso, Tex., as a Customs port of entry in the Laredo, Tex., Customs district (Region VI).

The geographical limits of the proposed port of entry of Progreso, Tex., will include that part of the county of Hidalgo, Tex., encompassed by the following boundaries:

On the north by 26°6' North latitude, on the east by 97°54' West longitude, on the south by the United States-Mexico international boundary, and on the west by 98°00' West longitude.

Consideration will be given to relevant data, views, or arguments pertaining to the proposed designation of the Progreso, Tex., Customs port of entry which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received no later than 20 days after the date of publication of this notice in the FEDERAL REGISTER. A hearing will not be held.

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

[FR Doc.71-12924 Filed 9-1-71;8:53 am]

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 101 ]

COTTON WAREHOUSES

### Notice of Decision Not To Adopt Proposed Amendment of Regulations

On July 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12695), proposing to amend the cotton warehouse regulations (7 CFR Part 101) under the United States Warehouse Act (7 U.S.C. 268) to

allow storage of cotton in federally licensed warehouses on the basis of unofficial gin weights.

It was the consensus of persons who submitted comments that the proposed change would adversely affect the acceptability in commerce of warehouse receipts issued under the Act. It is therefore concluded that the aforementioned amendment should not be adopted.

Done at Washington, D.C., August 30, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-12913 Filed 9-1-71;8:52 am]

[ 7 CFR Part 910 ]

## LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

### Proposed Rule Making Regarding Approval of Expenses and Fixing of Rate of Assessment for the 1971-72 Fiscal Year

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period August 1, 1971, through July 31, 1972, will amount to \$276,000.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at \$0.023 per carton of lemons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 30, 1971.

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

[FR Doc.71-12914 Filed 9-1-71;8:53 am]

[ 7 CFR Part 993 ]

## DRIED PRUNES PRODUCED IN CALIFORNIA

### Proposed Expenses of the Prune Administrative Committee for the 1971-72 Crop Year and Rate of Assessment for That Crop Year

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1971-72 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1971, a budget of expenses in the total amount of \$141,700 and a rate of assessment of \$1.30 per ton of assessable prunes. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 109,000 natural condition tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.322 Expenses of the Prune Administrative Committee and rate of assessment for the 1971-72 crop year.

(a) *Expenses.* Expenses in the amount of \$141,700 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1971, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at \$1.30 per ton of



salable prunes handled by him as the first handler thereof.

Dated: August 27, 1971.

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

[FR Doc. 71-12881 Filed 9-1-71; 8:50 am]

[7 CFR Parts 1001, 1002, 1004,  
1015]

[Docket No. AO-14-A49-RO1 etc.]

**MILK IN BOSTON REGIONAL (MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE) AND CERTAIN OTHER MARKETING AREAS**

**Decision on Proposed Amendments to Marketing Agreements and Orders**

7 CFR part	Marketing area	Docket No.
1001	Boston Regional	AO-14-A49-RO1
1002	New York-New Jersey	AO-71-A62
1004	Middle Atlantic	AO-160-A43
1015	Connecticut	AO-305-A28

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR-Part 900), at New York City on March 30-31, and April 1, 1971, pursuant to notice thereof issued on March 12, 1971 (36 F.R. 5141).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 26, 1971 (36 F.R. 14006) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record relate to:

1. Modification of the classification provisions under each of the four orders.
2. Modification of butterfat differentials under each of the four orders.
3. Revision of the shrinkage provisions of Order 2.
4. Elimination of the direct delivery differential provisions from Order 2.
5. Provision for exempt status under Order 4, of milk of a government agency moved to a regulated plant for custom processing.
6. Need for emergency action with respect to any or all issues 1 through 4.

**FINDINGS AND CONCLUSIONS**

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification provisions.* The classification provisions of Orders 1, 2, and 15 should be amended on the basis of this record but only to the extent necessary to provide a Class II classification for all mixtures of cream and milk or skim milk having a butterfat content of at least 10 percent. No change should be made in the classification provisions of the Middle Atlantic order.

The Middle Atlantic order presently prescribes a Class II classification for cream, half-and-half, and other mixtures of cream and milk or skim milk with a butterfat content of at least 10 percent.

Under the Boston Regional Order No. 1, cream and mixtures are Class II if the butterfat content is 16 percent or over. Mixtures with at least 10 percent, but less than 16 percent, butterfat are classified 50 percent Class I and 50 percent Class II by weight. Mixtures with a butterfat content of less than 10 percent are Class I.

Under the Connecticut Order No. 15, cream and mixtures are Class II if the butterfat content is 12 percent or over. Mixtures with a butterfat content of at least 10 percent, but less than 12 percent, are classified 50 percent Class I and 50 percent Class II by weight. Mixtures with a butterfat content of less than 10 percent are Class I.

Under the New York-New Jersey Order No. 2, cream (a minimum of 18 percent butterfat) is Class II and half-and-half (except sour) and other mixtures with a butterfat content of less than 18 percent are Class I.

A group of handlers under the New York-New Jersey order jointly proposed for that order only, a Class II classification for half-and-half in lieu of the Class I classification presently provided.

The New York-New England Dairy Cooperative Coordinating Committee, whose member cooperatives supply a large proportion of the total fluid milk supply for the New York-New Jersey and New England markets, proposed a uniform revision of the fluid milk product (Class I milk) definition in the four northeastern orders essentially for the purpose of providing a uniform Class II classification for half-and-half. At the same time, however, they proposed that such definition be further modified to eliminate, in the case of Orders 1, 2, and 15, the existing exception for sterilized milk and milk products in hermetically sealed containers. They further proposed that the definition under each of the four orders be revised to provide specific standards of product composition which would serve as a means for classifying new products as they appear.

The principal reasons cited in support of a Class II classification for half-and-half were:

1. To promote uniformity of regulation among the northeastern Federal orders and thus assure greater equity among competing handlers.

2. To provide more equitable pricing for cream mixtures which are currently distributed in the subject markets in direct competition with lower-priced imitation cream products manufactured from nondairy product substitutes.

3. To provide, in the case of the New York-New Jersey order, more equitable pricing for cream mixtures sold in competition with similar products priced under the local State orders. The Commissioner of Agriculture and Markets, New York State, in March 1971 issued a determination that half-and-half should be a designated Class II product under the respective State orders for the Niagara Frontier and Rochester markets.

The present Class II classification prescribed under the Middle Atlantic order for half-and-half and other mixtures with a butterfat content of at least 10 percent was effected August 1, 1970, when the Washington, D.C., Upper Chesapeake Bay, and Delaware Valley orders were merged into the single and expanded regulation. In the Assistant Secretary's decision of May 18, 1970 (35 F.R. 7924), official notice of which is taken, it was pointed out that the record evidence with respect to classification matters was fundamentally directed to resolving the differences in classification of particular products among the orders. The decision thereon was, therefore, necessarily directed to resolving the then differences in classification. In concluding that half-and-half and other mixtures of cream and milk or skim milk containing at least 10 percent butterfat should be Class II, it was found that "Such classification will have no significant effect on producer returns but will implement the disposition of the excess butterfat in producer milk."

Effective November 1, 1970, the classification provisions of the New York-New Jersey order were modified to provide a Class II classification for cream disposed of for fluid use. No consideration was given to a change in the classification of mixtures having a butterfat content of less than 18 percent, however. The Presiding Officer at the hearing had ruled that the proposals before the hearing were not sufficiently broad to permit consideration of a change in the classification of such products. His ruling in this regard was supported and reaffirmed by the Assistant Secretary in his decision of October 5, 1970 (35 F.R. 15927), official notice of which is taken.

A Class II classification for cream, it was concluded, would "promote uniformity of regulation among the northeastern Federal orders and thus remove the possibility of competitive disadvantage due to minimum order prices. Cream for fluid use is a minor portion of the present Class I disposition \* \* \*. Since a Class II classification is desired by a major segment of the market, there is no compelling reason for denying such classification."

The principal product in the "mixtures" category sold in the several markets here being considered is commonly referred to as (and generally is labeled)



"half-and-half." This product is a mixture of cream and milk or skim milk with a butterfat content in the range of 10 to 12 percent, varying with the market. The product is sold in the markets in a variety of containers ranging from half-ounce (individual servings of the product for use as coffee whiteners and referred to as "creamers") to half pints and, in some cases, to even larger containers.

Half-and-half and similar mixtures compete to a considerable degree directly with cream for fluid outlets, and both cream and cream mixtures are in aggressive competition with nondairy substitutes for table use, such as coffee whiteners, dessert toppings and dressings.

The competitive inroads which the nondairy substitutes have made into the mixture market have resulted in a significant overall decline in the sale of mixtures throughout the Federal order markets in recent years. In the case of the Boston Regional market, the decline in mixture sales amounted to slightly less than 13 percent during the 4-year period 1967-70, with little change in the volume of fluid milk sales. The Connecticut market, on the other hand, experienced an increase of about 4 percent in mixture sales and a decrease of slightly less than 3 percent in total volume of fluid milk products sold within the defined marketing area during such period. In the Middle Atlantic marketing area during the same period (the combined areas of the individual Washington, D.C., Upper Chesapeake Bay, and Delaware Valley orders, prior to their merger into the single regulation in August 1970), mixture sales declined about 18 percent while total sales of fluid milk products declined about 2.5 percent. Similar data immediately available for the New York-New Jersey order market for the months of July and August 1969 and for the same 2 months of 1970 show a decline in mixture sales in such marketing area of approximately 15 percent while total sales of fluid milk products were off about 3 percent.

The sales of half-and-half and similar mixtures, however, as in the case of cream, do not represent a significant percentage of the markets' total disposition. In these markets for the year 1970, mixture sales as a proportion of total fluid milk product sales ranged from a low of 0.4 percent (Order 1) to a high of 1.2 percent (Order 2, based upon the July-August period).

A uniform Class II classification for half-and-half and other mixtures of cream and milk or skim milk with a butterfat content of at least 10 percent was generally supported by the principal producer groups in each of the respective markets as well as by handlers. There was no opposition voiced to such classification either in testimony at the hearing or in posthearing briefs. Under the circumstances, it is concluded that the requested uniform Class II classification should be adopted.

The fluid milk product definition of Orders 1, 2, and 15 therefore should be

modified and the necessary corollary changes made in other provisions of such orders to implement this conclusion.

Further amendments to the fluid milk product definition of these orders, as proposed by the Coordinating Committee, should not be adopted at this time.

The Committee's proposed uniform definition which it would have incorporated in each order (in addition to providing for a Class II classification of half-and-half, as already discussed and herein adopted) would prescribe product composition standards for the purpose of implementing the classification of new milk products as they may appear on the market. Further, as a corollary proposal, proponents would remove from Orders 1, 2, and 15 the exception under which sterilized milk or milk products in hermetically sealed containers are excluded from Class I.

Proponents' proposed fluid milk product definition is essentially that developed by the National Milk Producers Federation as a part of a classification plan proposed for use under Federal milk orders generally and which was considered at a hearing conducted at Clayton, Missouri, in July 1970 for adoption under seven midwestern order markets. They did not, however, have knowledge of the Department's findings and conclusions in the matters considered at that hearing since a recommended decision had not yet been issued. While we do not take issue with proponents' objective, nevertheless it is quite apparent that a uniform classification procedure for Federal orders generally is difficult to achieve on a market-to-market basis.

The reclassification to Class II of mixtures as herein adopted eliminates the immediate problem which prompted the hearing call. Since the basic objective sought by such proposal is the same as that involved in the hearing already held on seven midwestern markets, i.e., to promote a uniform classification procedure among Federal orders generally, consideration of the matter desirably should be deferred pending the final disposition of the matter in the seven midwestern markets. Accordingly, no further action is taken on the basis of this record.

2. *Modification of butterfat differentials.* The producer butterfat differential provisions of each of the four northeastern orders should be modified but only to base the computation on the Chicago butter price (in lieu of the present New York butter price) and to provide for the rounding of the differential to the nearest one-tenth cent.

The butterfat differential (identical in each of the four orders) is now computed by multiplying by 0.115 the average daily wholesale selling price of Grade A (92-score) butter in the New York City market, as reported by the Department for the period from the 16th day of the preceding month through the 15th day of the current month, and rounding the result to the nearest even one-tenth cent.

Since the same butterfat differential value applies with respect to both Class I and Class II milk, the handler's cost for differential butterfat above or below the basic test at which milk is priced is the

same, regardless of use. The differential butterfat values, therefore, need not be "cleared" through the equalization pool. In making payments to each producer, the handler adjusts the uniform price by the butterfat differential to reflect the test of milk received from such producer.

The Coordinating Committee proposed for each of the four orders, and it is herein adopted, that the Chicago Grade A (92-score) butter price be substituted for the New York City Grade A (92-score) butter price in computing the butterfat differential and that the rounding of the differential be to the nearest one-tenth cent instead of the nearest even one-tenth cent.

The following points were advanced by proponents in support of this change:

(1) The differential as proposed would place less value on the butterfat portion of milk and more value on skim and thus would better relate the costs of butterfat and skim milk to market values of their respective products;

(2) The proposed changes will result in better alignment of Northeast order prices with order prices in other regions; and

(3) By using the Chicago butter price (quoted on a monthly basis) instead of the New York butter price, currently employed, the butterfat differentials will relate more closely to the milk component values during the time period to which such differential applies.

On the record and in their posthearing brief proponents recognized that the announced product purchase prices, which the Commodity Credit Corporation will pay during the current 1971-72 marketing year to carry out the price support objectives, constitute a shift in emphasis as between butterfat and nonfat dry milk, placing a relatively higher market value on the latter. Proponents held that their proposed revision of the butterfat differential similarly recognizes this shift in emphasis and therefore is more consistent with the objectives of the support program.

They pointed out that a substantial volume of the total milk products in each of the markets is manufactured into concentrated forms of milk products. Since the butterfat differential for the manufacturing milk class most commonly employed in Federal orders is calculated at the Chicago butter price times 0.115, they suggested that the adoption of the same differential for the Northeast markets would enhance intermarket price alignment. In this connection, they also pointed out that in December 1970, when the butterfat differential for the Northeast markets was 8.2 cents, a total of 50 orders of the 58 Federal orders outside the Northeast had lower Class II butterfat differentials.

Proponents further pointed out that the Committee, at an earlier hearing (June 1969) for the Northeast markets, had proposed the adoption of modifications to the butterfat differential provisions of the Northeast orders identical to those here at issue. The situation, they stated, which gave rise to the Assistant Secretary's denial of these particular



modifications at that time (discussed in his decision issued August 20, 1969, 34 P.R. 13601, and here officially noticed) does not now exist.

In that decision, the Assistant Secretary pointed out that the Order 1 members of the proponent Coordinating Committee were in agreement with the use of the Chicago butter price. However, because of the market practice in New England of paying producers on the basis of the actual butterfat test of milk delivered during the first 15 days of the month by the fifth day of the following month, together with the difficulty Order 4 cooperatives (the Pennmarva group) would have in modifying their computer programs to accommodate rounding to the nearest one-tenth cent, it had been requested that a Chicago butter quotation covering the period from the 26th of the preceding month through the 25th of the current month be used as the basis for calculating the differential.

Since no regular quotation on that basis was available, the Assistant Secretary provided for the use of the only other quotation that would accommodate the New England problem; i.e. the New York quotation for the period extending from the 16th day of the preceding month through the 15th day of the current month which was then being used in Orders 1, 2, and 15.

Pennmarva's computer program has recently been modified and the proposed rounding to the nearest one-tenth cent is no longer a problem. Further, the New England Cooperatives now support the shift to the use of the Chicago monthly butter quotation for computing the butterfat differential even though they recognize that their method of making partial payments to producers requires modification if such change is adopted.

It is concluded that the proposed changes in butterfat differential provisions of the four orders should be adopted. While the desired reapportionment of butterfat and skim values could have been accomplished by a change in the present factor of 0.115 and continued use of the New York butter quotation, the overall objectives of the proponent cooperatives can better be served by the procedure herein adopted. Use of the Chicago butter price will permit better coordination of butterfat differentials among orders and will assist in future comparisons of prices among markets, reducing confusion as to the proper basis for such comparisons.

This change will have only a very slight effect on producers' returns in each of the four markets. The butterfat tests of milk received from pool producers under each of the four orders in recent years have averaged slightly higher than the 3.5 percent butterfat test at which such order prices are announced. For 1970, such tests averaged 3.73, 3.61, and 3.67 percent respectively in Orders 1, 2, and 15 and under the Middle Atlantic order, for the 5-month period August-December 1970, 3.68 percent.

Had the modifications herein adopted been effective during 1970, the butterfat differential would have been two-

tenths of a cent lower for 7 months, one-tenth of a cent lower for 3 months, and unchanged for 2 months. The simple average of such differences for the year would have amounted to fourteen-hundredths of a cent, of which about nine-hundredths of a cent would have been due to the proposed change in the butter quotation and the remainder due to the proposed change in rounding. Although the new rounding procedure could cause a difference of one-tenth cent per point of butterfat (1 cent per pound of butterfat in any particular month), over a period of time such rounding would have no significant effect on average-butterfat differential values.

A representative of several Order 2 milk dealers objected to a change in rounding procedures, claiming that such change would place an additional burden (in time and expense) on small milk dealers. There otherwise was no testimony by milk dealers regulated under any of the four markets in opposition to the changes adopted. There were no posthearing briefs filed by any milk dealer in opposition to this change.

One cooperative association whose membership includes dairy farmers supplying each of the four markets, while not opposed to the objectives sought by proponents, expressed its belief that the issue of appropriate values and costs associated with the basic components of milk should be reserved for consideration at a future hearing, after an in-depth study is made by industry on the subject of component pricing of milk.

The subject of component pricing has been under study by various industry groups and by the Department for some time, and the study is continuing. It is not appropriate, however, to withhold changes necessary to reflect current marketing conditions as herein proposed for adoption solely on the basis of possible future considerations.

In conjunction with the change in the procedure for computing the butterfat differentials, the producer-payment procedure prescribed in Order 1 (§ 1001.70) should be modified by removing paragraph (d). That paragraph prescribes that, in making payment, the handler may use the simple average of the butterfat tests of semimonthly composites with specified exceptions. The prescribed procedure was implemented by having full knowledge of the applicable butterfat differential prior to the payment date which permitted handlers to make final payment for differential butterfat in their payment for milk delivered the first 15 days of the month. Under the new procedures, the butterfat differential will not be known until after the time for making the partial payment. The continued application of section 1001.70 (d), therefore, would be burdensome to handlers and confusing to producers and would have no significant effect on producer returns.

3. *Shrinkage.* No change should be made in the shrinkage provisions of the New York-New Jersey Order No. 2 on the basis of this record.

The order currently provides that shrinkage of skim milk and butterfat, respectively, shall be computed at each plant and bulk tank unit and allocated pro rata to classes of use in accordance with the respective volumes of skim milk and butterfat actually accounted for in each class. However, if shrinkage thus assigned to Class II should exceed 2 percent of the skim milk and butterfat, respectively, actually accounted for in such class, the excess is classified as Class I-A.

A proposal by three regulated handlers considered at the hearing and supported by certain other regulated handlers would modify the shrinkage provisions (§ 1002.42) to conform with the shrinkage provisions (§§ 1004.41 and 1004.42) of the Middle Atlantic Order No. 4.

Proponents' witness held that treatment of shrinkage under the New York-New Jersey order results in a higher cost of milk to Order 2 handlers than that of Order 4 handlers under the shrinkage provisions of the Middle Atlantic order. This, he alleged, places Order 2 handlers at a disadvantage in competition with Order 4 handlers in their common sales area. He estimated that for a handler doing essentially only a Class I business the additional costs under the Order 2 shrinkage provisions would be between 4 and 5 cents per hundredweight. He held that because there is a significant overlapping of sales areas of handlers under the two orders, particularly in certain areas of New Jersey, identical shrinkage provisions are required by the Act.

While the terms of a given order must apply uniformly to all handlers subject thereto, the Act prescribes that orders applicable to the same commodity (i.e., milk) so far as practicable shall prescribe such different terms as are necessary to give due recognition to the differences among areas, and that the terms of each order shall be based solely on the evidence adduced on the record of a public hearing called for that purpose. Consequently, where conditions and circumstances of regulation vary between markets, the order provisions also vary. Thus, the provisions of Orders 2 and 4 differ significantly with respect to pooling standards, point of pricing, price level, location differentials and their application, and the handling of shrinkage, to name a few. Each of these differences can and does have a significant effect on handlers' costs for milk. However, the respective provisions of the two orders were adopted on the basis of conditions in the markets reflected in separate and different records.

It is not sufficient simply to allege that the difference in shrinkage provisions results in unfair advantage to Order No. 4 handlers. Proponents have the burden of establishing the propriety of adopting Order 4 provisions under the conditions for handling and processing milk that prevail in the New York-New Jersey market. This they did not do. In this regard, it must be recognized that shrinkage under normal circumstances is an unaccounted for disappearance. The



treatment of shrinkage, therefore, is intricately interrelated with the particular accounting and verification procedure employed under the order and the circumstances in the market.

Proponents' witness in his testimony also asked that a specific Class II classification be provided for skim milk and butterfat disposed of by dumpage or for livestock feed. This proposed order modification was not within the scope of the hearing and no action appropriately could be taken on this record.

**4. Direct-delivery differential.** No change should be made with respect to the direct-delivery differential provisions of Order 2 on the basis of this record.

The present provisions prescribe a 5-cent-per-hundred-weight differential to be paid by each handler directly to his producers over and above the applicable uniform price for pool milk received at a plant, or pool unit milk received from a farm, in the 1-70 mile zone.

A proposal to revoke the direct-delivery differential provisions (§ 1002.82(b)), made on behalf of Lafayette Milk Co., a fully regulated handler, was included in the hearing notice. At the hearing, petitioner's representative stated that proponent had abandoned his proposal but that such proposal was supported on behalf of certain other handlers in the market. The basic position of the latter in support of the proposal was that: (1) In light of recent court decisions the provisions in existing form were deemed illegal, and (2) use of the direct-delivery differential for the purpose of equating handler costs under the order for nearby milk and distant milk is improper in that milk produced beyond the 70-mile zone in fact is being delivered to plants within the 70-mile zone at a lesser cost to handlers than nearby milk.

Producer witnesses held that the situation in the market is generally unchanged from that on which the current provisions were promulgated.

Proponent presented data comparing costs for receiving milk under various arrangements. Such data reflected the operations of only a single handler and purportedly demonstrated that higher costs are incurred in receiving milk from the nearby area (1-70 miles) than in receiving milk through distant country supply plants. In fact, however, the data did not include country-plant operating costs variously estimated by witnesses at from 6 to 15 cents. When such costs are included, as they must be for valid comparison of the cost of receiving milk through country plants and directly at city processing plants, it cannot be concluded that the direct-delivery differential is not appropriately accomplishing its intended purpose.

Data presented by the representative of another handler receiving milk directly at his plant in the nearby area from both farms within and outside the 1-70-mile zone would indicate that the application of the direct-delivery differential in this case increased an existing disparity in the cost of receiving nearby versus distant milk. However, it must be concluded that this handler, because of the particular location and cir-

cumstances of his operations, is not typical of the overall market.

For all the above reasons, there is no basis on this record for either deleting or modifying the direct-delivery differential provisions.

**5. Exempt milk of a Government agency.** The Middle Atlantic order should be amended to provide an exemption from pooling and pricing for any fluid milk products received at a pool plant or partially regulated distributing plant from a Government agency plant for processing and packaging to the extent that an equivalent volume of packaged fluid milk products are returned to the agency plant during the month.

The order presently exempts from regulation any plant operated by a Government agency from which there is route disposition in the marketing area. In conjunction with this exemption, the order specifically exempts an exempt Government agency from producer status. Thus, receipts at any pool plant from such agency are treated as other source receipts and are assigned first to available Class II utilization. On any such receipts assigned to Class I, the receiving handler incurs a per hundredweight pool obligation computed at the difference between the applicable Class I and Class II prices. The order also provides that transfers of any fluid milk product from a pool plant to the plant of a Government agency shall be classified and accounted for under the order as a Class I disposition.

These provisions were initially incorporated into the separate Washington, D.C., and Upper Chesapeake Bay orders (Orders 3 and 16, respectively) effective June 1, 1966, and were continued under the combined Middle Atlantic order. The basis of their adoption in the two orders and for their continuance in the combined order is set forth in the findings of the Assistant Secretary in his decisions of April 22, 1966 (31 F.R. 6375), and August 1, 1970 (35 F.R. 10273), official notice of which is taken.

A proposal to extend the Government agency exemption to include milk transferred to a regulated plant for custom processing and packaging was made on behalf of the Bureau of Corrections for the Commonwealth of Pennsylvania. Proponent's spokesman pointed out that Correctional Industries, a vocational training segment of the Bureau of Corrections within the Commonwealth of Pennsylvania Department of Justice, is a self-sufficient and self-supporting entity within the Commonwealth's judicial system. It operates five dairy farms. All of the milk produced thereon is normally processed in its own milk-processing plant for distribution to facilities within the Bureau of Corrections, to Commonwealth mental hospitals (one of which is the Philadelphia State Hospital, an institution within the marketing area), and to various other Government tax-supported institutions.

Under normal operations, the movement of milk through Correctional Industries' own marketing system would fall within the existing exemptions provided for Government agency plants, and

such milk therefore would not be affected by the Federal milk regulation. However, proponent spokesman indicated that the agency's processing plant for some time has not been adequate to handle the special packaging needs of certain of its institutional outlets. As a consequence, a portion of the agency's farm milk production regularly has been transferred to a pool plant regulated under the Middle Atlantic order for processing, custom packaging and return to the agency for distribution within its institutional system.

Under the terms of the current order, the packaging plant is held accountable for the route disposition—in this case the disposition by Correctional Industries to the Philadelphia State Hospital. This was not initially understood by either Correctional Industries or the processing handler. Only belatedly did they become aware that a substantial pool obligation was being incurred on milk custom processed for Correctional Industries. The obligation, while assessed on the processing pool handler, was apparently being passed back to Correctional Industries under the terms of their agreement.

The spokesman for Correctional Industries pointed out that the pool payment assessed on its milk moved through the pool plant for custom processing represented a significant cost to the agency which would not have been assessed if the milk had been handled exclusively through their own processing plant facilities. He suggested, therefore, that it was unnecessary and inappropriate to require a pool obligation on the Government agency's milk which is moved to a pool plant or a partially regulated distributing plant for processing and packaging and then returned to the agency for distribution solely to State institutions.

The witness indicated that the current problem was near culmination in that the agency's processing facility at Graterford, Pa., is being expanded and modernized. While this work has taken much longer than originally expected, they contemplate being in full operation in the near future. Notwithstanding, the possibility of future emergencies arising from equipment or power failures were recognized and proponent asked that the order be modified to accommodate the use of regulated plants for custom processing of the agency's milk.

Clearly, the operations of Correctional Industries, like those of the University of Maryland and similar Government agencies, are for the purpose of advancing the recognized function of the State in the public interest. These operations are not in the nature of operations of proprietary handlers whose regulation is necessary to effectuate the intent of the Act. It was on this basis that the present provisions were adopted. For the identical reasons it is desirable that the order be amended so that a Government agency can, if necessary, have access to a regulated plant for the processing of its milk, without incurring a pool obligation.



The exempt milk provisions herein adopted are a logical and reasonable extension of the present provisions of the order applicable to plants of Government agencies. Their incorporation in the order will more fully implement the intent of the existing provisions.

To the extent that any Government agency delivers milk in any month in excess of the volume processed and returned to the agency plant in packaged form, such excess will be treated as an other source receipt and assigned to the lowest available use class. On any such milk so assigned to Class I, the processing pool handler will have a pool obligation computed at the difference between the applicable Class I and Class II prices. To this extent there is no change in the existing procedure. If the processing plant is a partially regulated distributing plant, such excess also would be treated as an other source receipt.

To fully implement the purpose of the exempt milk provisions, the allocation provisions are also modified to provide for the subtraction of exempt milk receipts from the processing plant's gross Class I disposition as one of the first steps in the allocation procedure. This is necessary to remove any possibility of a pool obligation on such milk.

6. *Emergency action.* In the notice of hearing it was pointed out that evidence would be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on issues 1 and 2 (matters concerning classification and butterfat differentials).

On the record, and without prior notice, proponents of Order 2 amendments involving shrinkage and direct delivery differentials (issues 3 and 4, respectively), suggested that emergency action apply also with respect to such issues.

It is not found on the basis of record evidence that due and timely execution of the action herein proposed for adoption, for each of the four orders, imperatively and unavoidably requires the waiving of a recommended decision and the consequent opportunity for interested persons to file with the Hearing Clerk their exceptions.

All such proposals for emergency action, therefore, are denied.

#### RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

#### GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and deter-

minations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

#### RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

#### MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the orders regulating the handling of milk in the aforesaid specified marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

#### DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

June 1971 is hereby determined to be the representative period for the purpose

of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on August 27, 1971.

RICHARD E. LYG, Assistant Secretary.

#### Order<sup>1</sup> Amending the Order, Regulating the Handling of Milk in the Certain Specified Marketing Areas

##### FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified

<sup>1</sup> 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 marketing orders have been met.



in, a marketing agreement upon which a hearing has been held.

**Order relative to handling.** It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on July 26, 1971, and published in the FEDERAL REGISTER on July 29, 1971, (36 F.R. 14006) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein, subject to the following modifications: Revisions involving only certain portions of a section have been redrafted, incorporating the entire text of the section for purposes of clarity. No substantive changes are involved.

#### PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. Section 1001.22 is revised as follows:

##### § 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, and any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk, in either plain or sweetened form, and any product which contains 8 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

2. Section 1001.23 is revised as follows:

##### § 1001.23 Cream.

"Cream", for purposes of this part, means that portion of milk, containing not less than 10 percent butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, and any mixture of milk or skimmed milk and cream containing 10 percent or more of butterfat.

3. Section 1001.32 is revised as follows:

##### § 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a) through (i) [Reserved]

(j) He shall publicly announce (by posting in a conspicuous place in his

office and by such other means as he deems appropriate):

(1) By the 5th day of the month:

(i) The Class I price for the current month;

(ii) The Class II price and the butterfat differential for the preceding month, as computed under §§ 1001.61 and 1001.71 (b), respectively;

(2) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d); and

(3) [Reserved]

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(k) He shall place the sums deducted under § 1001.65(c) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

##### § 1001.70 [Amended]

4. In § 1001.70 *Payments to producers*, paragraph (d) is revoked; the paragraph designation is reserved for future assignment.

5. Section 1001.71 is revised as follows:

##### § 1001.71 Butterfat differential.

(a) In making the payments to producers required under § 1001.70 and the payments to cooperative associations required under § 1001.76(d), each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential, an amount per hundred-weight which shall be computed by the market administrator under paragraph (b) of this section.

(b) Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

#### PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.15 is revised as follows:

##### § 1002.15 Fluid milk product.

"Fluid milk product" means all skim milk and butterfat in the form of milk, fluid skim milk, filled milk, cultured or flavored milk drinks (except eggnog and yogurt), concentrated fluid milk disposed of in consumer packages, and any mixture of cream, milk, or skim milk containing less than 10 percent butterfat (other than frozen desserts, frozen des-

sert mixes, whipped topping mixtures, evaporated milk, plain or sweetened condensed milk or skim milk, sterilized milk or milk products in hermetically sealed containers, and any product which contains 6 percent or more nonmilk fat (or oil). *Provided*, That when any fluid milk product is fortified with nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

2. Section 1002.22 is revised as follows:

##### § 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

(a) through (h) [Reserved]

(i) Maintain a main office and such branch offices as may be necessary;

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination; as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant; *Provided*, That if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which made a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination;

(k) [Reserved]

(l) Place the sums deducted under § 1002.71(c) and retained pursuant to § 1002.83 in an interest-bearing account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

(m) On or before the date specified, or the next succeeding work day in any month in which such date is a Sunday or holiday, publicly announce the following:

(1) The 5th day of each month:

(i) The Class I price for the current month and the Class II price for the preceding month computed pursuant to § 1002.50, both as applicable at the 201-210-mile zone and at the 1-10-mile zone;

(ii) The butterfat differential for the preceding month computed pursuant to § 1002.81;

(iii) [Reserved]

(iv) The average price per hundred-weight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the preceding month;

(v) The simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of



Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S. Department of Agriculture for the preceding month.

(vi) The weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the U.S. Department of Agriculture for the period from the 26th day of the second preceding month through the 25th day of the preceding month.

(2) The 15th day of each month, the uniform price for the preceding month pursuant to § 1002.71 applicable at the 201-210-mile zone and at the 1-10-mile zone pursuant to § 1002.82.

3. Section 1002.81 is revised as follows:  
§ 1002.81 Butterfat differential.

The butterfat differential for the adjustment of prices as specified in this part shall be plus or minus for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent an amount computed as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

#### PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.16, a new paragraph (h) is added as follows:

§ 1004.16 Milk and milk products.

(h) "Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.10(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

2. In § 1004.46, paragraphs (a) (2) and (5) (iv) are revised as follows:

§ 1004.46 Allocation of skim milk and butterfat classified.

(a) \* \* \*

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form and receipts of exempt milk;

(5) \* \* \*

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.10(e):

3. Section 1004.81 is revised as follows:

§ 1004.81 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.80, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth

of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

#### PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. Section 1015.22 is revised as follows:

§ 1015.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, filled milk, concentrated milk, and any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, evaporated or condensed milk or skimmed milk in either plain or sweetened form, and any product which contains 6 percent or more nonmilk fat (or oil). Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

2. Section 1015.23 is revised as follows:  
§ 1015.23 Cream.

"Cream," for purposes of this part, means that portion of milk containing not less than 10 percent butterfat which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, and any mixture of milk or skimmed milk and cream containing 10 percent or more of butterfat.

3. Section 1015.51 is revised as follows:  
§ 1015.51 Class I milk.

Class I milk shall be all skim milk and butterfat (including that used to produce concentrated milk):

(a) Disposed of in the form of fluid milk products other than as specified in § 1015.52; or

(b) [Reserved]

(c) Not established as Class II milk under § 1015.52.

4. In § 1015.52, paragraph (a) is revised as follows:

§ 1015.52 Class II milk.

(a) Disposed of as cream;

5. Section 1015.71 is revised as follows:

§ 1015.71 Butterfat differential.

In making the payments to producers and cooperative associations required under § 1015.70 or for overages

under § 1015.63(d), each handler shall add or subtract for each one-tenth of 1 percent that the average butterfat content of milk received from producers or the overage is above or below 3.5 percent, respectively, an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

[FR Doc.71-12831 Filed 9-1-71;8:45 am]

[ 7 CFR Part 1004 ]

[Docket No. AO-160-A47]

#### MILK IN THE MIDDLE ATLANTIC MARKETING AREA

##### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held in the Caesar's Forum, Holiday Inn "Downtown", Howard and Lombard Streets, Baltimore, Md., beginning at 10 a.m. on September 21, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Middle Atlantic marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Pennmarva Dairymen's Cooperative Federation, Inc.:

Proposal No. 1. Provide for an advertising and promotion program for milk products under the order. The following amendments are proposed as a means of achieving this objective:

1. In § 1004.22 *Additional duties of the market administrator*, add the following three paragraphs:

(g) Make payments to producers who demand a refund of funds deducted pursuant to § 1004.71(c);

(h) Conduct a referendum pursuant to § 1004.103; and

(i) Audit the activities of the Agency as authorized under § 1004.101.

2. In § 1004.71, add a new paragraph (c), as follows:

(c) Subtract five (5) cents per hundredweight to be transferred to the



Agency organized pursuant to § 1004.101. Such funds are to be used for: (1) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve and promote the domestic marketing and consumption of milk and its products; (2) establishing a reserve to refund producers pursuant to § 1004.107; and (3) compensating the Market Administrator for auditing pursuant to § 1004.22(d).

3. In § 1004.84 *Producer-settlement fund*, immediately following the reference "§ 1004.62", add the reference "§ 1004.71(c)".

4. In § 1004.86, add a new paragraph as follows: "The Market Administrator shall pay to the Agency such funds collected pursuant to § 1004.71(c)".

5. The following proposed amendments 5A, 5B, etc., concern the addition of new §§ 1004.101 thru 1004.116 to the order:

#### § 1004.101 Agency.

Agency means an organization of producers or producers' representatives approved by the Secretary and authorized to expend funds deducted pursuant to § 1004.71(c) for the purposes of establishing or providing for the establishment of research and development projects and advertising (excluding brand advertising), sales promotion, educational and other programs, approved by the Secretary designed to improve or promote the domestic marketing and consumption of milk and its products.

#### § 1004.102 Composition of the Agency.

The Agency shall be composed as follows:

(a) Each cooperative association or combination of cooperative associations will be authorized one representative for each full five (5) percent of the total number of producers in this Order which such cooperative represents; provided that after the program has been in effect 1 year, the number of representatives shall be based on the number of producers who have not requested refunds.

(b) Cooperatives with less than five (5) percent of the total number of producers in this order who have not elected to combine and producers who are not members of cooperatives shall be authorized one representative of each full five (5) percent of the total number of producers.

#### § 1004.103 Selection of members to the agency.

Each cooperative authorized one or more representatives to the Agency shall notify the Market Administrator of the name and address of each representative who shall serve at the pleasure of the cooperative. Cooperatives with less than five (5) percent of the producers in the order may combine their producer membership; and if such combined total exceeds five (5) percent they shall be eligible to select a representative to the Agency. Cooperatives with less than five (5) percent of the producers in the order

and producers not members of cooperative associations shall be divided by the Market Administrator into geographic areas containing five (5) percent of the total number of producers in the order. The Market Administrator shall conduct a referendum to determine the representative from each such area to the Agency. After the program has been in effect for 1 year, the areas shall be adjusted to include only producers who have not requested a refund. Each person selected to serve on the Agency shall qualify by filing a written acceptance with the Market Administrator promptly after being notified of such selection.

#### § 1004.104 Term of office.

The term of office for persons serving on the Agency shall be 1 year or until a replacement is elected or designated by the cooperative.

#### § 1004.105 Procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

#### § 1004.106 Compensation and reimbursement.

Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of duties as members of the Agency.

#### § 1004.107 Powers of the Agency.

(a) To administer the terms and provisions of programs pursuant to § 1004.101;

(b) To make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) To recommend amendments to the Secretary.

#### § 1004.108 Duties.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including but not limited to those specified in this section:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary; to select committees; and to adopt and make public such rules for the conduct of its business;

(b) To employ and fix the compensation of any person deemed necessary to accomplish the exercise of powers and performance of duties;

(c) To establish the rate of reimbursement to the members of the Agency for expenses in attending meetings;

(d) To require all persons handling Agency funds to be bonded in an amount and with surety thereon satisfactory to the Secretary;

(e) To publish a budget which shall show the projected amounts to be collected and disbursed by the Agency prior to each quarterly period and to submit such budget to the Secretary, if required.

(f) To make payments from moneys collected by the order for:

(1) Paying the expense of administering the Agency;

(2) Determining which organizations should be utilized, the amount of money which each such organization should receive for carrying out research and development projects, advertising (excluding brand advertising), sales promotion, educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products and making payment to such organizations for these purposes; and

(3) Publishing annually an accounting of such funds collected and a statement of the use made of such funds.

(g) To keep minutes, books, and records and to submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(h) To prepare and make available for the benefit of producers, handlers, and consumers, statistics and information concerning the operation of programs; and

(i) When desirable, to establish advisory committees of persons other than Agency members.

#### § 1004.109 Procedure for requesting refunds.

A producer who is not in favor of supporting a research and promotion program, as provided for herein, shall have the right to receive a refund of such assessment by writing to the Market Administrator in the following manner:

(a) The request should be submitted on a form provided by the Market Administrator.

(b) The request should be submitted within the first 15 days of December, March, June, or September for milk which will be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) The request should be properly notarized.

#### § 1004.110 Research and promotion.

The Agency shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of the American Dairy Association, local Dairy Councils and the National Dairy Council for programs and projects where such activities benefit Order 4 producers; and

(c) The establishment, support, and conduct of research and development projects and studies to the end that the marketing and utilization of milk may be encouraged, expanded, improved or made more efficient. The benefits of such programs should be available equally to all Order 4 producers.



**§ 1004.111 Influencing governmental action.**

No funds collected by the Agency under this part shall in any manner be used for political activity or for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this part.

**§ 1004.112 Limitation of expenditure by the Agency.**

No more than five (5) percent of the money deducted from producer funds or advertising projects should be utilized by the Agency for administration of the Agency.

**§ 1004.113 Confidential treatment.**

All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Agency, and by all contractors and Agents retained by the Agency, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or an administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this program. Nothing in this section shall be deemed to prohibit (a) the issuance of general statements based upon the reports of a number of producers subject to this program, which statements do not identify the information furnished by any person, or (b) the publication by direction of the Secretary, of the name of any person violating this program, together with a statement of the particular provisions of this program violated by such persons.

**§ 1004.114 Personal liability.**

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence or those which are criminal in nature.

**§ 1004.115 Liquidation.**

In the event that the provisions of this program are terminated, any remaining funds shall revert to the producer settlement fund of § 1004.84.

If any provisions of this program or its application to any person or circumstance is held invalid, the application of the provision and all the remaining provisions of this program due other persons or circumstances shall not be affected thereby.

*Proposed by the Dairy Division, Consumer and Marketing Service—Proposal No. 2.* Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 710 South Washing-

ton Street, Alexandria, VA 22314, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 27, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-12882 Filed 9-1-71;8:50 am]

[ 7 CFR Part 1133 ]

**MILK IN THE INLAND EMPIRE  
MARKETING AREA**

**Notice of Proposed Suspension of  
Certain Provisions of the Order**

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Inland Empire marketing area is being considered for September 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended for September 1971 are:

1. In § 1133.12(c) (1), "and 20 percent in the months of September through November," and
2. In § 1133.12(c) (5), "Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month; and".

The proposed suspension would permit a cooperative to divert producer milk from a pool plant to a nonpool plant during September 1971 without limit if the milk of such producer had been received at the pool plant prior to diversion from such plant (but not necessarily in the current month).

A cooperative representing a substantial number of producers on the market requested the suspension. The basis for the cooperative's request is that current conditions in the market require it to handle a disproportionate share of an increasing quantity of reserve supplies of milk for the market. Without the proposed suspension, the cooperative claims it would be forced to make uneconomic movements of milk to qualify it for pooling.

Signed at Washington, D.C., on August 27, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-12883 Filed 9-1-71;8:50 am]

**DEPARTMENT OF  
TRANSPORTATION**

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-RM-12]

**CONTROL ZONE AND TRANSITION  
AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of Jamestown, N. Dak., control zone and 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 Avenue, 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 amendments. 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 proposals 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 Avenue, Los Angeles, CA 90045.

The airspace requirements for Jamestown Municipal Airport, N. Dak., have been reviewed in accordance with criteria contained in U.S. Standards for Terminal Instrument Procedures (TERPs). The review revealed that additional control zone, 700-foot and 1,200-foot transition area are required.

The additional airspace is required to provide controlled airspace protection for aircraft executing prescribed instrument procedures for Jamestown Municipal Airport.

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



In § 71.171 (36 F.R. 2055) the description of the Jamestown, N. Dak., control zone is amended to read as follows:

**JAMESTOWN, N. DAK.**

Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile-radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC.

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

**JAMESTOWN, N. DAK.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 140° radial, extending from the 17-mile-radius area to 18.5 miles southeast of the VORTAC; and within 4.5 miles northeast and 9.5 miles southwest of the Jamestown VORTAC 308° radial, extending from the 17-mile-radius area to 18.5 miles northwest of the VORTAC.

These amendments are 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 Aurora, Colo., on August 24, 1971.

C. D. REA,  
Acting Director,  
Rocky Mountain Region.

[FR Doc.71-12871 Filed 9-1-71;8:49 am]

**[ 14 CFR Part 71 ]**

[Airspace Docket No. 71-SO-140]

**TRANSITION AREA**

**Proposed Designation**

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration

officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

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

The Washington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 156° bearing from Wanocca RBN (lat. 35°32'40" N., long. 77°02'00" W.), extending from the 8.5-mile-radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Warren Field. A prescribed instrument approach procedure to this airport, utilizing the Wanocca (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on August 24, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.71-12872 Filed 9-1-71;8:49 am]

**FEDERAL COMMUNICATIONS COMMISSION**

**[ 47 CFR Parts 1, 15 ]**

[Docket No. 19281; RM-1610]

**ELECTRONIC VIDEO RECORDERS**

**Order Extending Time for Filing Comments**

In the matter of amendment of Part 15 of the Commission's rules to regulate the operation of a Class I TV device—a new restricted radiation device which produces an RF carrier modulated by a TV signal, and amendment of Part 1 to provide a fee schedule for type approval of such devices.

1. In a notice of proposed rule making (36 F.R. 13793, July 24, 1971), adopted on July 14, 1971, concerning Class I TV devices (new restricted radiation devices which produce an RF carrier modulated by a TV signal), the Commission set

forth August 25, 1971, as the timely date for filing comments, and September 6, 1971, as the closing date on which to file any replies to such comments.

2. The Electronic Industries Association, by its petition dated August 6, 1971, requested that the Commission extend the closing date for submission of comments to October 25, 1971. A similar petition was received from the International Tape Association, Inc. (ITA), dated August 9, 1971.

3. The EIA, in its petition, states that the additional time is required for the industry to prepare an adequate response because the data must be prepared in an area involving a number of systems, manufacturers are in various stages of product development and each member of the industry must evaluate the full production impact of implementing the systems envisioned by the FCC proposed rule making.

4. The International Tape Association, Inc., describes itself as an international trade association comprised of some 112 members in the tape and information storage medium industry. Its membership includes foreign as well as domestic manufacturers, many of whom are presently engaged or planning to enter the institutional and home videoplayer market.

5. In its petition ITA explains that this rule making first came to its attention on July 30, 1971. In view of its foreign membership whose engineering staffs are overseas, ITA finds it impossible to convene a meeting of its Video Committee to consider this rule making prior to August 25, 1971—the closing date for comments.

6. Within reasonable limits, the Commission wishes to give all interested parties ample time in which to study any of its proposals and to evaluate all comments thereon, and to furnish definitive information on which a decision may be based. The Commission is persuaded that both EIA's and ITA's requests are reasonable and that the grant of the requested extension of time for filing comments in Docket 19281 is warranted.

7. Therefore, *It is ordered*, That, pursuant to the provisions set out in § 1.46 of the Commission's rules and regulations, the closing date for submission of comments in the notice of proposed rule making in Docket 19281 is extended to October 26, 1971, and the date for filing of reply comments is extended to November 8, 1971. The subject petitions are hereby granted.

Adopted: August 26, 1971.

Released: August 27, 1971.

[SEAL] RICHARD E. WILEY,  
General Counsel.

[FR Doc.71-12920 Filed 9-1-71;8:53 am]



# Notices

## DEPARTMENT OF THE INTERIOR Bureau of Land Management CALIFORNIA

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

AUGUST 27, 1971.

1. The Plats of Survey of lands described below will be officially filed at the Riverside District and Land Office effective 10 a.m. on October 11, 1971.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 30 S., R. 38 E.

- Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 3, lots 3 to 9, inclusive, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, lots 1, 2, 3, 4;  
Sec. 9, lots 1 to 12, inclusive;  
Sec. 10, lots 1 to 8, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 11;  
Sec. 12;  
Sec. 13, lots 3 to 14, inclusive;  
Sec. 14;  
Sec. 15, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 16;  
Sec. 17, lots 1, 2, 3, 4;  
Sec. 21, lots 1 to 5, inclusive, E $\frac{1}{2}$ ;  
Sec. 22, lots 1 to 7, inclusive, NE $\frac{1}{4}$ , E $\frac{1}{2}$   
NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, lots 1 to 12, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 24, lots 1 to 16, inclusive;  
Sec. 25, lots 1 to 5, inclusive;  
Sec. 27, lots 2, 3, 4, 5, 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$   
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 28, lots 1 to 6, inclusive.  
T. 30 S., R. 39 E.,  
Sec. 6, lots 3 to 17, inclusive;  
Sec. 7, lots 1 to 16, inclusive;  
Sec. 18, lot 3.

The areas described aggregate 14,468.10 acres in Kern County.

2. The surveyed lands are situated on the bed of Koehn Dry Lake approximately 1 mile southwest of Saltdale and about 25 miles northeast of Mojave, Calif. The elevation is approximately 2,000 feet above sea level. The lake bed consists of flat, hard claypan surrounded by sand dunes covered with salt tolerant shrubs and relict Indian Rice Grass. Access to the land is by means of desert motor trails which are suitable for rough vehicles.

3. The following described lands have been classified for multiple-use management pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-1418). The classification has segregated the lands from appropriation under the agricultural land laws (43 U.S.C. chs. 7 and 9; U.S.C. 334) and from sale under section 2455 of the revised statutes:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 30 S., R. 38 E.

- Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 3, lots 3 to 9, inclusive, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 8, lots 1, 2, 3, 4;  
Sec. 9, lots 1 to 12, inclusive;  
Sec. 10, lots 1 to 8, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

- Sec. 11;  
Sec. 12;  
Sec. 13, lots 3 to 14, inclusive;  
Sec. 14;  
Sec. 15, lots 1, 2, 3, 4, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 16;  
Sec. 21, lots 1, 2, 3, 4, E $\frac{1}{2}$ ;  
Sec. 22, lots 1 to 7 inclusive, NE $\frac{1}{4}$ , E $\frac{1}{2}$   
NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, lots 1 to 12, inclusive;  
Sec. 24, lots 1 to 16, inclusive;  
Sec. 25, lots 1, 2, 3, 4;  
Sec. 27, lots 2, 3, 4, 5, 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$   
NE $\frac{1}{4}$ , NW $\frac{1}{4}$ ;  
Sec. 28, lots 1 to 6, inclusive.  
T. 30 S., R. 39 E.,  
Sec. 6, lots 3 to 17, inclusive;  
Sec. 7, lots 1 to 16, inclusive;  
Sec. 18, lot 3.

4. Subject to any existing valid rights and the requirements of applicable laws, the above-described lands are hereby opened to filing of applications, selections, and location, except as provided for in paragraph 3, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the office mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts present in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., October 11, 1971 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Riverside District and Land Office, 1414 University Avenue, Post Office 723, Riverside CA 92502.

CHARLES L. SCHAEFER,  
Acting Assistant  
Land Office Manager.

[FR Doc.71-12860 Filed 9-1-71; 8:48 am]

## MONTANA

### Order Providing for the Opening of Public Lands

AUGUST 26, 1971.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g) the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 3 N., R. 25 E.,

Sec. 5, lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ .

The area described contains 641.64 acres.

2. The land is located in Yellowstone County. Its topography varies from sloping scattered rimrock to gentle slopes. It has a grassland aspect. Stockwater is available at times.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on September 30, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Billings, Mont.

ROLAND F. LEE,  
Chief, Branch of Lands  
and Minerals Operations.

[FR Doc.71-12876 Filed 9-1-71; 8:49 am]

## WYOMING

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 27, 1971.

Notice of a Bureau of Reclamation application, Wyoming 0266575, for withdrawal and reservation of lands for reclamation purposes in connection with the Flaming Gorge Unit, Colorado River Storage Project, was published as F.R. Doc. No. 63-8402, on page 8048 of the issue for August 6, 1963. The applicant agency has canceled its application involving the lands in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2-5, such lands, at 10 a.m. on October 4, 1971, will be relieved of the segregative effect of the above-mentioned application.

DANIEL P. BAKER,  
State Director.

[FR Doc.71-12858 Filed 9-1-71; 8:48 am]



**National Park Service  
GRAND CANYON NATIONAL PARK,  
ARIZ.**

**Notice of Intention To Extend  
Concession Contract**

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that 30 days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Emery C. Kolb authorizing him to operate a motion picture, lecture, and photographic studio for the public on the South Rim of Grand Canyon National Park, Ariz., for a period of one (1) year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. In addition, he has a lifetime right to full possession to the property used in the operation.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

LAWRENCE C. HADLEY,  
Assistant Director,  
National Park Service.

[FR Doc.71-12857 Filed 9-1-71;8:48 am]

**DEPARTMENT OF COMMERCE**

Patent Office

TRADEMARKS

**Identification of Goods and Services  
in Trademark Applications**

The notice entitled "Identification of Goods and Services in Trademark Applications" which appeared in the FEDERAL REGISTER of July 16, 1971 (36 F.R. 13232), and the Official Gazette of August 3, 1971, specified an incorrect method of payment for securing a copy of the English edition of "International Classification of Goods and Services to

which Trademarks are Applied." Due to problems in international monetary exchange, the British Patent Office no longer accepts an ordinary check drawn on an American bank in dollars. The paragraphs in the identified notice relating to methods of payment (the last two paragraphs and concluding table) should read as follows:

We have been advised by the British Patent Office that the only acceptable methods of payment are by International Money Order or banker's draft, payable in sterling and drawn on a bank in the United Kingdom. Orders for the International Classification and for the supplements can be made by remittance in the following amount(s):

International Classification.....	50 pence
November 15, 1967, supplement....	5 pence
March 18, 1970, supplement.....	Free
March 3, 1971, supplement.....	10 pence

Total cost (including postage by surface mail).....	65 pence
Additional charge for postage by airmail.....	1 pound 55 pence

Total cost by airmail .....	2 pounds 20 pence
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Orders should be sent directly to:

Sales Branch, The Patent Office, Block C, Station Square House, St. Mary Cray, Orpington, Kent, England.

Dated: August 27, 1971.

RENE D. TEGTMEYER,  
Assistant Commissioner for  
Appeals, Legislation and  
Trademarks.

[FR Doc.71-12889 Filed 9-1-71;8:50 am]

**DEPARTMENT OF  
TRANSPORTATION**

Federal Aviation Administration  
VOR/VORTAC SYSTEM

**Proposed Policy Changes or Discontinuance Criteria; Notice of Invitation for Comments**

This notice requests comments in accordance with the Department of Transportation policy of continuing consultation with the users of the National Aviation System, the aviation industry, State and local government agencies and the general public regarding changes in policy and planning of the National Aviation System.

Current FAA policy set forth in Airway Planning Standards concerning the discontinuance of VOR/VORTAC makes no specific reference to VFR use of the

aid. Yet, there have been an appreciable number of objections to proposed decommissioning of VOR/VORTAC's from VFR users. As a result, a previous Notice of Invitation for Comments on this subject was published on December 11, 1970 (35 F.R. 18889).

Analysis of the comments received from this notice led to the following conclusions:

1. A requirement for the extensive VFR use of the VOR/VORTAC system has been stated by a wide cross section of general aviation.

2. VFR flight can be conducted by visual reference to the ground. However, pilotage is a difficult, demanding art that requires full time and attention. Radio navigation is more efficient.

3. The great majority of VFR flying is conducted by aircraft under 12,500 pounds. The information gained in the 1970 GA re-registration showed that the general aviation fleet had 89,875 aircraft with one or more VOR receivers. Of these 87,479 were in the under 12,500-pound category. These are minimum figures. Such a large investment shows the dependence of VFR flight on the VOR system.

4. No navigation aid should be decommissioned without a thorough investigation of VFR use.

5. Since radio navigation is not technically required for VFR navigation, VOR use by VFR flight tends to fall in the category of convenience.

All comments received from this notice favored consideration of VFR use of VOR/VORTAC's in the decommissioning process. However, the responses did not provide quantifiable data which was requested in the original notice. Therefore, the FAA has developed methodology to provide a factor for VFR use of VOR's which is discussed below.

The most reliable indication of VFR use of a VOR/VORTAC is the number of VFR radio contacts made by the associated Flight Service Station. This readily available data can be related to the annual cost of maintaining a VOR/VORTAC to determine at what level of use retention of the NAVAID would be justified.

There is a slight savings in flight time when using radio guidance as opposed to visual navigation. There is also a savings in time during the flight planning process.

In planning a flight, a VFR itinerant pilot can pick up radio navigation charts and in a matter of a few minutes, log identifications, radials and distances. If pilotage is to be used in lieu of radio, the flight planning process is much more time consuming. In the latter case, it is necessary to lay out the desired track, measure off time lines, and related useable landmarks to the time lines.



Comparison of the time saved when using radio guidance, the annual cost of maintaining a VOR/VORTAC and the number of aircraft using a VOR/VORTAC indicates that if the associated FSS has a minimum of 6,000 annual VFR contacts retention of the VOR/VORTAC is justified for VFR purposes. Inherent in this is the assumption that the ratio of aircraft using a VOR/VORTAC to those contacting the facility is seven to one.

Accordingly, it is planned to amend airway planning standards to reflect the foregoing. The 6,000 VFR contacts will be used as a guideline by FAA regional personnel in proposed decommissioning of VOR/VORTAC's. Safety considerations will continue to affect the final decision, such as lack of other aids in relatively isolated areas or the proximity of terrain that lacks geographical landmarks to facilitate pilotage.

Interested persons are invited to submit such written data and comments as they may desire on this proposed policy change. Comments should be submitted to: Director, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, on or before October 1, 1971.

All comments submitted will be available for inspection in Room 935, Federal Office Building 10A, 800 Independence Avenue SW., Washington, D.C.

Issued in Washington, D.C., on August 27, 1971.

BENJAMIN F. L. DARDEN,  
Director, Office of Aviation  
Policy and Plans, Federal  
Aviation Administration.

[FR Doc.71-12873 Filed 9-1-71; 8:49 am]

## NATIONAL COMMISSION ON STATE WORKMEN'S COM- PENSATION LAWS

### SYSTEMS OF COMPENSATION

#### Notice of Change in Hearing Location

The location of public hearings that were to be held (36 F.R. August 18, 1971) by the National Commission on State Workmen's Compensation Laws on September 22 and 23, 1971, at Room 412, 1825 K Street NW., Washington, DC, has been changed to Room 721, 1121 Vermont Avenue NW., Washington, DC. The hearing will commence at 10 a.m. on September 22 and continue through September 23. At the hearing, interested parties may make oral or written presentations data, views, and arguments relating to the general question of whether State workmen's compensation laws provide an adequate, prompt, and equitable system of compensation, and to possible methods

which might be used by, and sources of information available to, the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616). The presentations also may include comments on whether further hearings would be advisable; on whether any such hearings should be held only in Washington, D.C., or also in other cities; and on whether any such hearings should be limited to particular subjects.

Interested persons shall, not later than 10 days prior to the commencement of the hearing, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.
2. The subject matter or matters to be discussed.
3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.
4. The date and approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Commissioner at the above address.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 27th day of August 1971.

JOHN F. BURTON, JR.,  
Chairman.

[FR Doc.71-12835 Filed 9-1-71; 8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 69]

### MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FOR- WARDER APPLICATIONS

AUGUST 27, 1971.

The following applications are governed by Special Rule 1100.247<sup>1</sup> of the

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

Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to



the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 340 (Sub-No. 19), filed July 30, 1971. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. 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, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from St. Louis, Mo., Cleveland, Ohio, and Coal City, Chicago, and Mendota, Ill., to Houston, Tex., as alternate routes to its presently authorized irregular routes from such points, to San Antonio, Tex., and its regular route authority from San Antonio, Tex., to Houston, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Dallas, Tex.

No. MC 1380 (Sub-No. 14), filed July 26, 1971. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., Uwharrie Road, High Point, N.C. 27262. Applicant's representative: Max H. Towery, Post Office Box S466, Uwharrie Road, High Point, NC 27262. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard, wood fibreboard faced or finished with decorative and/or protective materials and accessories and supplies* used in the installation thereof (except commodities in bulk), from plantsite of Evans Products Co., at Moncure, N.C., to points in 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 Raleigh, N.C., or Washington, D.C.

No. MC 1756 (Sub-No. 18), filed July 28, 1971. Applicant: PEOPLES EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, not exceeding one gallon in capacity on automated trallers; *container ends; materials, supplies and equipment, incidental to the manufacture of said containers* (except in bulk), and *those products returned for recycling*, between the plant and warehouse sites of Continental Can Co., Inc., Paterson and Passaic, N.J., on the one hand, and, on the other, Scotia,

Albany, Patchogue, Elmsford, Utica, and Newburgh, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states it holds authority from the Department of Transportation (New York) to the same destination points from New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 1872 (Sub-No. 76), filed July 19, 1971. Applicant: ASHWORTH TRANSFER, INC., 1526 South Sixth West, Salt Lake City, UT 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Wyoming, and Utah; and (2) between States named in (1) above, on the one hand, and, on the other, points in California, Oregon, and Washington. NOTE: Applicant states by tacking, a through service would be provided (1) to and from points in Nebraska, Kansas, Missouri, Iowa, South Dakota, Arizona, Idaho, Montana, New Mexico, Nevada, and Utah; and (2) from points in Nebraska, Kansas, Missouri, Iowa, and South Dakota, on the one hand, to points in California, Oregon, and Washington, on the other. Tacking would occur at any point in Colorado or Wyoming. Applicant further states it would tack any authority herein obtained with its Sub 58, "cast iron pipe" authority, which would permit the transportation of cast iron pipe. Tacking would occur at any point in Arizona, Idaho or Utah. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 2202 (Sub-No. 396), filed July 29, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Bay City, Tex., and New Orleans, La., serving the intermediate points of Freeport, Tex., and Port Allen, La., and points in West Feliciana, Iberville, Ascension, and St. James Parishes, La., as off-route points (a) from Bay City over Texas Highway 35 to junction Texas Highways 35 and 36, thence over Texas Highway 36 to Freeport, thence over Texas Highway 288 to Houston, thence over U.S. Highway 90 to junction U.S. Highways 90 and 167, thence over U.S. Highway 167 to junction U.S. Highways

167 and 190, thence over U.S. Highway 190 to junction U.S. Highway 190 and Louisiana Highway 1, thence over Louisiana Highway 1 to junction Louisiana Highway 1 and Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 10 and U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, and return over the same route; (b) from Bay City over Texas Highway 35 to junction Texas Highways 35 and 36, thence over Texas Highway 36 to Freeport, thence over Texas Highway 288 to Houston thence over Interstate Highway 10 to New Orleans, and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Baton Rouge, La.

No. MC 2229 (Sub-No. 162), filed July 28, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 East Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *classes A and B explosives*, between Louisiana Army Ammunition Plant, Doyline, La., and Memphis, Tenn.; from Louisiana Army Ammunition Plant, Doyline, La., over U.S. Highway 80 and/or Interstate 20 to Intersection of Louisiana Highway 7 at or near Dixie Inn., La., thence over Louisiana Highway 7 to the Louisiana/Arkansas State line, thence over Arkansas Highway 132 to its Intersection of U.S. Highway 79, thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route, serving no intermediate points; from Louisiana Army Ammunition Plant, Doyline, La., over U.S. Highway 80 and/or Interstate 20 to Intersection of U.S. Highway 79 approximately 3 miles East of Dixie Inn., La., thence over U.S. Highway 79 to its Intersection with Louisiana Highway 2 South of Homer, La., thence over Louisiana Highway 2 to its Intersection with Louisiana Highway 9, thence over Louisiana Highway 9 to its Intersection of U.S. Highway 167 thence over U.S. Highway 167 to its Intersection with U.S. Highway 79 near Fordyce, Ark., thence over U.S. Highway 79 to Memphis, Tenn., and return over the same route, serving no intermediate points; from Louisiana Army Ammunition Plant, Doyline, La., over U.S. Highway 80 and/or Interstate 20 to Intersection of U.S. Highway 71, thence over U.S. Highway 71 to Texarkana, Arkansas/Texas, thence over U.S. Highway 79 to its intersection of U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route, serving the intermediate point of Texarkana, Arkansas/Texas for the purpose of joinder only.

Between Alexandria, La., and the Texas/Louisiana State line, serving Leesville, La., as an intermediate point for



the purpose of joinder only; from Alexandria over Louisiana Highway 28 to its Intersection with Louisiana Highway 8, thence over Louisiana Highway 8 to the Louisiana/Texas State line, serving Alexandria, La., and the Louisiana/Texas State line for the purpose of joinder only. Between Louisiana Army Ammunition Plant, Doyline, La., and Jackson, Miss.; from Louisiana Army Ammunition Plant at Doyline, La., over U.S. Highway 80 and/or Interstate 20 to Jackson, Miss., and return over the same route, serving Monroe and Delhi, La., as intermediate points for the purpose of joinder only. Between Louisiana Army Ammunition Plant, Doyline, La., and Natchez, Miss.; from Louisiana Army Ammunition Plant, Doyline, La., over U.S. Highway 80 and/or Interstate 20 to Intersection of U.S. Highway 71, thence over U.S. Highway 71 to Intersection of U.S. Highway 84 at or near Clarence, La., thence over U.S. Highway 84 to Natchez, Miss., and return over the same route, serving no intermediate points and serving Natchez, Miss., for the purpose of joinder only; from Louisiana Army Ammunition Plant, Doyline, La., over U.S. Highway 80 and/or Interstate 20 to its Intersection of U.S. Highway 147 at or near Arcadia, La., thence over U.S. Highway 147 to its Intersection with U.S. Highway 167, thence over U.S. Highway 167 to Intersection of U.S. Highway 84, thence over U.S. Highway 84 to Natchez, Miss., and return over the same route, serving no intermediate points and serving Natchez, Miss., for the purpose of joinder only. Between Natchitoches, La., and the Texas/Louisiana State line; from Natchitoches, La., over Louisiana Highway 6 to the Louisiana/Texas State line and return over the same route, serving no intermediate points and serving Natchitoches, La., and the Texas/Louisiana State line for the purpose of joinder only.

Between Houston, Tex., and New Orleans, La., serving no intermediate points and serving Houston, Tex., and New Orleans, La., for the purpose of joinder only; from Houston, Tex., over U.S. Highway 90 to Intersection of U.S. Highway 167, thence over U.S. Highway 167 to Intersection with U.S. Highway 190, thence over U.S. Highway 190 to Intersection of U.S. Highway 61, thence over U.S. Highway 61 to New Orleans, La., and return over the same route; from Houston, Tex., over Interstate 10 to New Orleans, La., and return over the same route. Between Junction of U.S. Highways 147 and 167 at or near Hodge, La., and Louisiana/Arkansas State line at or near Junction City, Ark.; from Intersection of U.S. Highways 147 and 167 at or near Hodge, La., over U.S. Highway 167 to the Louisiana/Arkansas State line at or near Junction City, Ark., and return over the same route, serving the Intersection of U.S. Highways 147 and 167 and the Louisiana/Arkansas State line for the purpose of joinder only. Between Logansport and Grand Bayou, La.; from Logansport, La., over U.S. Highway 84 to Grand Bayou, La., serving no inter-

mediate points and serving Logansport and Grand Bayou, La., for the purpose of joinder only. Between the Arkansas/Louisiana State line at or near Haynesville, La., and Magnolia, Ark.; from the Arkansas/Louisiana State line at or near Haynesville, La., over U.S. Highway 79 to Magnolia, Ark., and return over the same route, serving the Arkansas/Louisiana State line and Magnolia, Ark., for the purpose of joinder only. Between Magnolia and El Dorado, Ark.; from Magnolia and El Dorado, Ark., over U.S. Highway 82, serving no intermediate points and serving Magnolia and El Dorado, Ark., for the purpose of joinder only. Between Greenville and Tyler, Tex.; from Greenville, Tex., over U.S. Highway 69 to Tyler, Tex., serving no intermediate points and serving Greenville and Tyler for the purpose of joinder only and return over the same route. Between Yantis and Quitman, Tex.; from Yantis, Tex., over Texas State Highway 154 to Quitman, Tex., and return over the same route, serving no intermediate points and serving Yantis and Quitman, Tex., for the purpose of joinder only.

Between Corsicana and Cayuga, Tex.; from Corsicana, Tex., over U.S. Highway 287 to Cayuga, Tex., and return over the same route, serving no intermediate points and serving Corsicana and Cayuga, Tex., for the purpose of joinder only. Between Crockett and Alto, Tex.; from Crockett, Tex., over State Highway 21 to Alto, Tex., and return over the same route, serving no intermediate points and serving Crockett and Alto, Tex., for the purpose of joinder only. Between Kirbyville, Tex., and Leesville, La., from Kirbyville, Tex., over Farm-to-Market Road 363 to the Louisiana/Texas State line, thence over U.S. Highway 190 to Intersection of U.S. Highway 171, thence over U.S. Highway 171 to Leesville, La., and return over the same route, serving Kirbyville, Tex., and Leesville, La., for the purpose of joinder only. Between Winnsboro and Mineola, Tex.; from Winnsboro, Tex., over State Highway 37 to Mineola, Tex., and return over the same route, serving no intermediate points and serving Winnsboro and Mineola, Tex., for the purpose of joinder only. Between Jefferson, Tex., and Texarkana, Arkansas/Texas; from Jefferson, Tex., over U.S. Highway 59 to Texarkana, Arkansas/Texas, serving no intermediate points and serving Jefferson, Tex., and Texarkana, Ark., for the purpose of joinder only. Between Marshall, Tex., and Logansport, La.; from Marshall, Tex., over Texas State Highway 31 to Intersection of Louisiana Highway 764, thence over Louisiana Highway 764 to Logansport, La., and return over the same route, serving no intermediate points and serving Marshall, Tex., and Logansport, La., for the purpose of joinder only.

Between Naples, Tex., and the Texas/Louisiana State line Northwest of Rodessa, La.; from Naples, Tex., over State Highway 77 to the Texas/Louisiana State line Northwest of Rodessa, La., and re-

turn over the same route, serving no intermediate points and serving Naples, Tex., and the Texas/Louisiana State line for the purpose of joinder only. Between Raton and Taos, N. Mex.; from Raton, N. Mex., over U.S. Highway 64 and Taos, N. Mex., serving no intermediate points and serving Raton and Taos, N. Mex., for purpose of joinder only. Between Dallas and Sherman, Tex.; from Dallas, Tex., over U.S. Highway 75 to Sherman, Tex., and return over the same route, serving no intermediate points and serving Dallas and Sherman, Tex., for the purpose of joinder only. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 3460 (Sub-No. 7), filed August 2, 1971. Applicant: MORAN TRUCKING COMPANY, INC., Post Office Drawer E, Westernport, MD 21562. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, in containers, from points in Garrett County, Md., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia; and (2) *glass and plastic containers and other related packaging materials*, from points in the States named above to points in Garrett County, Md. **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 4928 (Sub-No. 4), filed August 3, 1971. Applicant: VERNON REHA AND DENNIS REHA, a partnership, doing business as REHA TRUCKING, Adair, Iowa 50002. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel jump forms, metal scaffolding, hydraulic hoists, and materials, equipment, and supplies* used in the construction and installation of concrete poured silos, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 4928 (Sub-No. 5), filed August 3, 1971. Applicant: VERNON REHA AND DENNIS REHA, a partnership, doing business as REHA TRUCKING, Adair, Iowa 50002. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal health products*, from Omaha, Nebr., to points in Adair and Guthrie Counties, 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 Des Moines, Iowa, or Omaha, Nebr.

No. MC 8744 (Sub-No. 7), filed August 2, 1971. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., Post Office Box 1160, Bluefield, WV 24701. Applicant's representative: John M. Friedman, 2702 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Tazewell, Buchanan, Lee, Scott, Russell, Wise, and Dickenson Counties, Va. **NOTE:** Applicant states it will tack at North Tazewell, Va., to permit through service to and from points in Virginia and West Virginia located within 50 miles of North Tazewell, Va. If a hearing is deemed necessary, applicant requests it be held at Charleston and Bluefield, W. Va., or Roanoke, Va.

No. MC 10761 (Sub-No. 257), filed August 2, 1971. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plantsite and warehouse facilities of Swift Fresh Meats Co. at Brownwood, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite and warehouse facilities of Swift Fresh Meats Co. at Brownwood, Tex., and destined to points in the above-named States and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 13087 (Sub-No. 35), filed July 28, 1971. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Applicant's representative: William F. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients (other than frozen), from the plantsite and storage facility of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Illinois and Minnesota, and *meats, meat products, and meat*

*byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Illinois, Minnesota, and Wisconsin, to the plantsite and storage facilities of Armour-Dial, Inc., at 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 15859 (Sub-No. 7), filed July 23, 1971. Applicant: THE HINE LINE, 247 Emmet, Newark, NJ 07114. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, chromes and pieces thereof, and tannery products*, except liquid products in bulk, in tank vehicles, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, St. Louis, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, West Virginia, Wisconsin, Louisiana, Alabama, Florida, Georgia, Kentucky, Mississippi, 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 Indianapolis, Ind., or Washington, D.C.

No. MC 21455 (Sub-No. 24), filed July 29, 1971. Applicant: GENE MITCHELL CO., a corporation, West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, supplies and furnishings*, used in the manufacture, processing, sale, and distribution of mobile homes, from points in Illinois, Indiana, Michigan, Ohio, and Wisconsin to Kalamazoo, Iowa; (2) *Pre-cut homes, materials and hardware*, from Schererville, Ind., to points in Illinois, Iowa, Kentucky, Minnesota, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; (3) *Modular Buildings and modular sections and component parts*, from Iowa City, Iowa to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, and (4) *Air pollution control systems and heated asphalt storage vessels*, from West Liberty, Iowa to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. **NOTE:** Applicant states that the requested authority cannot

be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 21455 (Sub-No. 25), filed August 2, 1971. Applicant: GENE MITCHELL CO., a corporation, West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Swift & Co., located at Marshalltown, Iowa, to points in Boone, Cook, DeKalb, Du Page, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, Ill., and Lake and Porter Counties, Ind. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 30837 (Sub-No. 440), filed July 26, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and busses*, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Minnesota to points in Minnesota, North Dakota, South Dakota, and Wisconsin, in secondary movements, in truckaway 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 Washington, D.C.

No. MC 30844 (Sub-No. 364), filed July 29, 1971. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs* (except frozen and commodities in bulk), from Cade and Lozes, La., to points in Arkansas, points on and east of U.S. Highway 65 in Missouri, and points in and west of U.S. Highways 45-45-E in Tennessee. **NOTE:** Applicant states it intends to tack the requested authority with its lead certificate to serve points in Iowa, and to Sub 179 to serve points in the East. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.



No. MC 41404 (Sub-No. 100), filed July 28, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland, Post Office Box 440, Fulton Highway, Martin, TN 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food preparations* (except commodities in bulk), from Chelsea, Mich., to points in Florida, Georgia, North Carolina, and South Carolina. 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 Detroit, Mich., Chicago, Ill., Atlanta, Ga., or Washington, D.C.

No. MC 44639 (Sub-No. 41), filed August 2, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies*, used in the manufacture of wearing apparel (except commodities in bulk), between Crewe and Narrows, Va., on the one hand, and, on the other, Eagle Rock, Va. NOTE: Applicant states it desires to tack with all authorized operations in MC 44639 at Crewe and Narrows, Va. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 50307 (Sub-No. 60), filed August 2, 1971. Applicant: INTER-STATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, from Bethlehem, Pa., to Stratford, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52579 (Sub-No. 130), filed August 4, 1971. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, NJ 07094. Applicant's representative: W. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between Miami and Hialeah, Fla., on the one hand, and, on the other, Roanoke, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 59367 (Sub-No. 76), filed July 26, 1971. Applicant: DECKER TRUCK LINE INC., Post Office Box 915, Fort Dodge, IA 50501. 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: (1) *Meats*, cooked, cured or preserved, with or without vegetable, milk, egg or fruit ingredients (other than frozen), from the plantsite and storage facility of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Illinois and Minnesota; and (2) *Meats, 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 points in Minnesota and Wisconsin to the plantsite and storage facilities of Armour-Dial, Inc., at Fort Madison, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60157 (Sub-No. 16), filed August 2, 1971. Applicant: C. A. WHITE TRUCKING COMPANY, a corporation, 4641 Greenville Avenue, Dallas, TX 75206. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and New Mexico; and (2) between points named in (1) above, on the one hand, and, on the other, points in Mississippi and Alabama, restricted against the transportation of pipe as described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459. NOTE: Applicant states that it now holds *Mercer* type authority permitting it to operate, with the observance of certain gateways, within the territory described in part (1) above. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61592 (Sub-No. 227), filed August 2, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, in bags, from Cotter, Ark., to points in Oklahoma, Tennessee, Illinois, Missouri, Kansas, Nebraska, Iowa,

Colorado, Arizona, Mississippi, Louisiana, Texas, 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 Little Rock, Ark.

No. MC 61592 (Sub-No. 228), filed August 2, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, (1) from Denver and Greeley, Colo., to Los Angeles, Calif., San Antonio, Fort Worth and Houston, Tex.; (2) from Scottsbluff, Nebr., to San Antonio, Tex.; and (3) from Albert Lea, Minn., St. Joseph, Mo., and Cedar Rapids, Iowa, to San Antonio, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 229), filed August 2, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seating and tables*, from the plantsite of American Bleacher Corp., at or near Baton Rouge, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 61592 (Sub-No. 230), filed July 28, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from South Bend, Ind., to Burlington, Davenport, and Muscatine, Iowa, and *empty containers* on return. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61788 (Sub-No. 28), filed July 29, 1971. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, a corporation, Speiglor Street, Dothan, Ala. 36301. Applicant's representatives: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301 and E. K. Walburn, Thurmond Road, Forest Park, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission,



articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving points within a 15-mile radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, the points named herein. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61825 (Sub-No. 42), filed July 27, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Martinsville, Va., to points in Arkansas and Texas. **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 62162 (Sub-No. 4), filed July 26, 1971. Applicant: DAVE CAMPBELL, doing business as CAMPBELL TRUCK LINE, Lake City, Iowa 51449. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detasseling machines, loading equipment, and harvesting machines* on specially built semitrailers owned by shipper, (1) between Coon Rapids, Iowa, and field sites in Kansas, Missouri, and Nebraska; and (2) between field sites in Iowa, Kansas, Missouri, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 65697 (Sub-No. 46), filed July 29, 1971. Applicant: THEATRES SERVICE COMPANY, a corporation, 830 Willoughby Way NE., Atlanta, GA 30312. Applicant's representatives: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301, and R. D. Cassell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving points within a 15-mile radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes; or, in the alternative, serving an area within approximately 15 miles of Atlanta as off-route points in connection with carrier's otherwise authorized regular routes, to wit: All points lying on and within the area embraced by a line

beginning at Dallas, Ga., and the junction of Georgia Highway 92 Spur and U.S. Highway 278 thence along Georgia Highway 92 Spur and Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga.; thence along Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga.; thence along Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga.; thence over Georgia Highway 81 to junction Georgia Highway 20 near Loganville, Ga.; thence along Georgia Highway 20 to Lawrenceville, Ga.; thence along Georgia Highway 120 to Alpharetta, Ga.; thence along an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Park, Ga.; thence along Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga.; thence along Georgia Highway 92 Spur to the point of beginning, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, points named herein. **NOTE:** No duplicating authority is being sought. If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 66340 (Sub-No. 7), filed July 8, 1971. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, MA 02054. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, asbestos, asphalt, cement, roofing, building material, and materials and supplies* used in the manufacture, installation, and distribution thereof, between Millis, Mass., and points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, under continuing contract with the GAF Corp. **NOTE:** Applicant holds common carrier authority under certificate MC 78917 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 66886 (Sub-No. 23), filed August 2, 1971. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stadiums, grandstands, portable bleachers, and materials, supplies, and fixtures* used in the construction thereof, from Baton Rouge, La., to points in the United States (except Alaska, Hawaii, and Louisiana). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 80018 (Sub-No. 17), filed July 12, 1971. Applicant: EDMAC TRUCKING COMPANY, INC., 620 Dunn Road,

Post Office Box 770, Fayetteville, NC 28302. Applicant's representative: A. W. Flynn, Jr., 1006 Wachovia Building, 201 North Elm Street, Post Office Box 180, Greenville, NC 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage*, in bulk, from Allentown, Boyertown, Chester, Lancaster, and Philadelphia, Pa.; Brooklyn, N.Y.; Whippany, Elizabeth, Bayonne, Newark, and Secaucus, N.J.; and Newark, Del., to Fayetteville, N.C. **NOTE:** Applicant holds contract carrier authority under MC 106915, 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 Raleigh, N.C., or Washington, D.C.

No. MC 87720 (Sub-No. 113), filed July 30, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and chain grocery, hardware, and drugstores, in containers, together with *materials and supplies*, except in bulk, used in the manufacture and distribution of the aforementioned commodities, between Cranford, N.J., New York, N.Y., Canton, Ohio, and Chicago, Ill., restricted under contract with Boyle-Midway, Inc., and Boyle-Midway Division American Home Products Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 95), filed July 28, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Montgomery, Ala.: (1) From Memphis over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 31 and/or Interstate Highway 65 to Montgomery, Ala., and return over the same route; and (2) from Memphis over U.S. Highway 78 to Tupelo, Miss., thence over U.S. Highway 45 to Columbus, Miss., thence over U.S. Highway 82 to Montgomery, Ala., and return over the same route. Service is authorized to intermediate and off-route points in Shelby County, Tenn., and those in Alabama within 15 miles of Montgomery, Ala. **NOTE:** The purpose of this application is to shorten applicant's regular-route mileage between Memphis, Tenn., and Montgomery, Ala., and the immediate vicinity of those two cities. **NOTE:** If a



hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94826 (Sub-No. 9), filed July 22, 1971. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, New York, NY 11101. Applicant's representative: J. Alden Connors, 145 East 49th Street, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products in containers, bakery products containers and stale bakery products*, between Irvington, N.J., and Farmingdale (Long Island), N.Y., under contract with Borden, Inc., Foods Division, Drake Bakeries, Wayne, N.J. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 96116 (Sub-No. 138), filed July 21, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of North Star Steel Co., at or near Newport, Minn., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 97394 (Sub-No. 10), filed July 26, 1971. Applicant: BOWLING GREEN EXPRESS, INC., Post Office Box 1111, Plum Springs Road, Bowling Green, KY 42101. 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: *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 the plantsite of the Perry Co., located approximately 4 miles south of Central City, Ky., on U.S. Highway 431, and points in Sumner, Robertson, and Montgomery Counties, Tenn., and Allen, Barren, Edmondson, Hart, Simpson, and Warren Counties, Ky. **NOTE:** Common control may be involved. Applicant states that it intends to tack the requested authority with its existing authority at Bowling Green, Ky., so as to serve Louisville, Ky., and Nashville, Tenn. Applicant further states that the authority sought duplicates in part the applicant's Sub-No. 4 authority which authorizes all intermediate points on U.S. Highway 231 in Warren County, Ky., and part of U.S.

Highway 231 in Allen County, Ky., but no duplicating authority is sought, and is willing for usual restriction concerning duplication to be imposed. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Frankfort, Ky., or Nashville, Tenn.

No. MC 97874 (Sub-No. 2), filed July 28, 1971. Applicant: WINTER BROS., INC., 1840 R Street, Lincoln, NE 68508. Applicant's representative: J. Max Harding, Post Office Box 82028, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving Council Bluffs, Iowa, as an off-route point in connection with its regular route authority. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 103926 (Sub-No. 26), filed July 27, 1971. Applicant: W. T. MAYFIELD SONS TRUCKING CO., Post Office Box 43171, Industrial Branch, Atlanta, GA 30336. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery and equipment*, not limited to such commodities as are intended solely for use by contractors, between points in Georgia, Alabama, Florida, North Carolina, South Carolina, and Tennessee. **NOTE:** Applicant states that by tacking the authority herein applied for to its present certificate in MC 103926 Sub 13, at Newnan, Ga., wherein it is authorized to transport metal tanks, requiring special equipment and handling, so that it can transport said commodities from points in Georgia other than Newnan to points in Kentucky and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 657), filed August 2, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borgheani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, in sections, on undercarriages*, from points in York County, S.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105887 (Sub-No. 46), filed July 29, 1971. Applicant: M R & R TRUCKING COMPANY, a corporation, 715 North Ferdon Boulevard, Crestview, FL 32536. Applicant's representative: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301, and Virgil M. Pigott

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and commodities in bulk), serving points within a 15-mile radius of Atlanta, Ga., as off-route points in connection with carrier's otherwise authorized regular routes; or, in the alternative, serving an area within approximately 15 miles of Atlanta as off-route points in connection with carrier's otherwise authorized regular routes, as follows: All points lying on and within the area embraced by a line beginning at Dallas, Ga., and the junction of Georgia Highway 92 Spur and U.S. Highway 278, thence over Georgia Highway 92 Spur and Georgia Highway 92 in a southerly direction to junction Georgia Highway 54 at or near Fayetteville, Ga.; thence over Georgia Highway 54 to junction Georgia Highway 138 at or near Jonesboro, Ga.; thence over Georgia Highway 138 to junction Georgia Highway 81 at or near Walnut Grove, Ga.; thence over Georgia Highway 81 to junction Georgia Highway 20 near Loganville, Ga.; thence over Georgia Highway 20 to Lawrenceville, Ga.; thence over Georgia Highway 120 to Alpharetta, Ga.; thence over an unnumbered highway westerly to junction Georgia Highway 92 near Mountain Park, Ga.; thence over Georgia Highway 92 to junction Georgia Highway 92 Spur at or near New Hope, Ga.; thence over Georgia Highway 92 Spur to the point of beginning, restricted against the transportation of traffic, direct or interline, between Atlanta, on the one hand, and, on the other, the points named herein. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106163 (Sub-No. 31), filed August 6, 1971. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Pine Bluff, AR 71601. 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: *Paper and paper products*, from plantsite and warehouse facilities of Olinkraft, Inc., at Monroe and West Monroe, La., to points in Arkansas, Texas, and those in Mississippi on and north of U.S. Highway 80. **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 106644 (Sub-No. 123), filed August 2, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representatives: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501 and Darrell D. Hodges (same address as applicant). Authority sought to operate as a *common*



carrier, by motor vehicle, over irregular routes, transporting: *Wire and plastic cloth, paper and pulpmill screens, core containers and related items*, between Mentor, Ohio, Cleveland, Ohio, and Florence, Miss., on the one hand, and, on the other, points in Arizona, California, Montana, Idaho, Oregon, Washington, Utah, and Colorado. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107456 (Sub-No. 19), filed July 22, 1971. Applicant: HARRY L. YOUNG AND SONS, INC., 542 West Sixth Street, Salt Lake City, UT 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which by reason of size or weight require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which, by reason of size or weight, require special handling or the use of special equipment; (2) *self-propelled articles*, weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; and (3) *iron and steel articles* as described in *Descriptions in Motor Carrier Certificates*, ex parte No. MC-45; and (4) *construction materials, equipment, and supplies*; and (5) *material handling equipment*, between points in Utah, Idaho, Montana, Oregon, Washington, Nevada, Arizona, and California. **NOTE:** By this territory description applicant requests authority to operate between all points and places in each of the above States to all points and places in each of the other States, and also applicant seeks authority to operate to and from all points and places within each of the States so long as the transportation is interstate commerce. By the instant application applicant also seeks to eliminate gateways and to clarify existing commodity descriptions which have been somewhat confused in recent decisions of the Commission, and finally to enable applicant to perform a complete service in the territory traditionally served by applicant on a joint-line basis, so that applicant may compete with several large interstate carriers which have recently received direct-line authority in this territory. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Los Angeles and San Francisco, Calif.; and Portland, Ore.

No. MC 107515 (Sub-No. 763), filed July 29, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell

and Alan E. Serby, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except in bulk) from Asheville, Waynesville, and Canton, N.C.; Piqua and Hamilton, Ohio; Courtland, Ala.; and Houston, Tex., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies*, used in the manufacture of paper and paper products (except in bulk) from points in the United States (except Alaska and Hawaii) to points of origin named in (1) above. **NOTE:** Carrier holds contract carrier authority under MC 126436, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds nor seeks no duplicating authority in any pending application. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Atlanta, Ga.

No. MC 109397 (Sub-No. 258), filed July 23, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and missile parts and supplies, materials, parts and components* used in the maintenance, servicing, repairs, and operation of missiles, between points in Orange County, Fla., Caddo and Bossier Counties, La., on the one hand, and, on the other, points in Montana and North Dakota. **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 Miami, Fla., or Washington, D.C.

No. MC 109708 (Sub-No. 53), filed July 29, 1971. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, between Petersburg, Va., and Patrick, S.C. **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., or Washington, D.C.

No. MC 110988 (Sub-No. 276), filed August 4, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: David A. Petersen (same

address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Smoke flavoring, liquid*, in bulk, from Manitowoc, Wis., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111545 (Sub-No. 163), filed July 28, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Post Office Box 6426, Station A, Marietta, GA 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, GA 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Tractors* except those with vehicle beds, bed frames, and fifth wheels, (b) *equipment* designed for use in conjunction with tractors, (c) *agricultural, industrial and construction machinery and equipment*, (d) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (e) *attachments* for the above-described commodities, (f) *internal combustion engines*, and (g) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites and experimental farms of Deere & Co. in Blackhawk, Dubuque, Polk, and Wapello Counties, Iowa, to points in Florida, Georgia, North Carolina, and South Carolina; and *returned shipments* of the above-specified commodities, on return. **Restriction:** Restricted in (1) above, to the transportation of traffic originating at the plantsites, warehouse sites, and experimental farms of Deere & Co. named and in (2) above, to the transportation of traffic destined to said facilities. **NOTE:** Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 164), filed August 2, 1971. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, GA 30060. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum mill products*, from Riverside, Calif., to Loveland, Colo., Tulsa, Okla., McPherson, Kans., and Alvarado, Tex. **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 nec-



essary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 111831 (Sub-No. 9), filed August 4, 1971. Applicant: SAMUEL STANGLE, Post Office Box 56, Martinsville, NJ 08836. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Hillsborough Township (Somerset County), and Sayreville, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, West Virginia, Virginia, Delaware, and Maryland, under contract with Glen-Gery Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 113362 (Sub-No. 219), filed July 30, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs* (except frozen and commodities in bulk), from Cade and Lozes, La., to points in Arkansas, points on and east of U.S. Highway 65 in Missouri, and points on and west of U.S. Highways 45 and 45-E in Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 113362 (Sub-No. 220), filed July 26, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, 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 plantsite and storage facilities utilized by Aristo Kansas Meat Packers, at or near Holton, Kans., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic which originates at the plantsite and storage facilities, and destined to the above-named 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 Kansas City, Mo., or Omaha, Nebr.

No. MC 112801 (Sub-No. 128), filed July 28, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, from Kansas City, Mo., to points in Iowa and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113059 (Sub-No. 2), filed August 2, 1971. Applicant: GREENUP TRUCKING COMPANY, a corporation, Post Office Box 725, Shelby, MT 59474. Applicant's representative: A. W. Scribner, 415 Power Block, Helena, MT 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Montana to points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 113434 (Sub-No. 47), filed July 23, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. 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 Michigan, restricted to the transportation of traffic originating at Champaign, Ill. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Lansing, Mich.

No. MC 113670 (Sub-No. 5), filed July 19, 1971. Applicant: LEWIS PRICE, 4200 75th Street, Des Moines, IA 50322. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe and fittings*, from Des Moines, Iowa, to points in Kansas, under contract with Can-Tex Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 113678 (Sub-No. 431), filed August 2, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food products,*

*and beverages*, from points in California, to points in Colorado, Nebraska, New Mexico, Texas, and Wyoming. NOTE: Applicant states that tacking possibilities exist, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 432), filed July 26, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Minnesota, to points in Montana, Colorado, New Mexico, Arizona, Utah, California, Nevada, Oregon, Washington, Idaho, and Wyoming. NOTE: Applicant states although there are tacking possibilities it has no present intention to tack and therefore, does not identify the areas that could be served by tacking, but cautions interested parties that a lack of protest may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Omaha, Nebr., or Minneapolis, Minn.

No. MC 113678 (Sub-No. 433), filed August 2, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soft drinks and juices*, canned or bottled, from Denver, Colo., to points in New Mexico, Oklahoma, and Texas. NOTE: Applicant states that although it does not intend to tack, there are possibilities for tacking and applicant warns that an unopposed application could result in an unrestricted authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 113678 (Sub-No. 434), filed August 2, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane Acklie and Richard Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Illinois, Wisconsin, Iowa, Nebraska, and Missouri, to points in Colorado, Montana, New Mexico, Arizona, Utah, California, Nevada, Oregon, Washington, Idaho, and Wyoming. NOTE: Applicant states although applicant does not intend to tack, there are possibilities for tacking and applicant warns that an unopposed application could result in an unrestricted grant of authority. If a hearing is deemed neces-



sary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 113784 (Sub-No. 43), filed July 27, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, ON, Canada. Applicant's representatives: David Sutherland and Theodore Polydoroff, 1140 Connecticut Avenue NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, (1) from the international boundary between the United States and Canada located on the Niagara River, N.Y., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and (2) from the international boundary between the United States and Canada located on the Detroit and St. Clair Rivers, Mich., to points in Indiana, Kentucky, Michigan, and Ohio. **NOTE:** Applicant states that the authority sought herein will be joined with authority held to conduct operations with Canada. However, no authority from the I.C.C. is required to perform that portion of the operations. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 113843 (Sub-No. 172), filed August 2, 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 and food products*, from Chelsea, Mich., 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 114019 (Sub-No. 221), filed July 23, 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: *Liquid sugar, liquid invert sugar syrups and blends thereof*, in bulk, in tank vehicles, from Chicago, Ill., to points in the Lower Peninsula of Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114091 (Sub-No. 85) (Amendment), filed May 17, 1971, published in

the FEDERAL REGISTER issue of June 10, 1971, and republished as amended, this issue. Applicant: HUFF TRANSPORT CO., INC., 2114 South 41 Street, Louisville, KY 40211. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant indicates that the requested authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through such tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to reflect the above change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 114273 (Sub-No. 97), filed August 4, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, 2720 First Avenue NE, Cedar Rapids, IA 52402 and Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., and West Point, Nebr., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors at or near the named origins. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115917 (Sub-No. 24), filed August 3, 1971. Applicant: UNDERWOOD & WELD COMPANY, INC., Post Office Box 247, Crossnore, NC 28616. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feldspar and silica sand*, in bulk (except in tank or hopper type vehicles), from the plantsites of Lawson United Feldspar & Mineral Co., at or near Minpro and Spruce Pine, N.C., to points in Georgia, South Carolina and Virginia; and (2) *feldspar and silica sand*, in bulk, from the plantsites of Lawson United Feldspar & Mineral Co., at or near Minpro and Spruce Pine, N.C., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, 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., Charlotte, N.C., or Atlanta, Ga.

No. MC 116073 (Sub-No. 179), filed July 28, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements and buildings complete or in sections, from points in Gallatin County, Mont., to points in the United States, including Alaska (excluding Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Butte, Mont.

No. MC 116073 (Sub-No. 180), filed July 19, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building panels, parts and accessories*, from points in Sedgewick County, Kans., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 116273 (Sub-No. 147), filed July 16, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60850. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Detroit, Mich., to points in Arizona; (2) *Chemicals*, in bulk in tank vehicles, from Northbrook, Ill., to points in Michigan,



Ohio, Maryland, Virginia, Kentucky, Minnesota, Wisconsin, Indiana, Missouri, Pennsylvania, 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 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 117606 (Sub-No. 2) (Correction), filed June 21, 1971, published Federal Register issue of August 5, 1971, corrected and republished in part as corrected this issue. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. **NOTE:** The purpose of this partial republication is to include Colorado and Iowa as origin points, to sought authority which were inadvertently omitted from previous publication.

No. MC 117765 (Sub-No. 131), filed July 8, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products and materials and supplies* (except liquid commodities, in bulk) used in the manufacture, installation or distribution thereof, between the plantsite and facilities of U.S. Gypsum Co., at or near Southard, Okla., on the one hand, and, on the other, points in California, Connecticut, Delaware, Idaho, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 54) (Correction), filed June 30, 1971, published in the FEDERAL REGISTER issues of July 22, 1971 and August 5, 1971 and republished in part as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. **NOTE:** The purpose of this partial republication is to include Indiana as a destination state which was inadvertently omitted in the FEDERAL REGISTER issue of August 8, 1971. The rest of the application remains as previously published.

No. MC 119012 (Sub-No. 12), filed August 2, 1971. Applicant: RIVER TERMINALS TRANSPORT, INC., 208 Broadway, Aurora, IN 47001. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis,

Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron, and ferro alloys*, in dump vehicles or other similar type self-unloading equipment; and (2) *Dry bulk commodities* (not including cement), in bulk, in dump trucks or other similar type self-unloading equipment, from the site of the Aurora Terminal Co., Inc., at or near Aurora, Ind., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Restriction: Authority limited to commodities having a prior movement by rail or water carrier. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Cincinnati, Ohio.

No. MC 119192 (Sub-No. 8), filed July 26, 1971. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT. 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: (1) *Such commodities* as are dealt in by department stores, from the stores of Allied Stores of New York, Inc., doing business as Stern Brothers, located at Woodbridge, Paramus, and Wayne, N.J., to New York, N.Y., and points in Rockland, Orange, Westchester, Nassau, and Suffolk Counties, N.Y.; and (2) *Returned shipments of the above-described commodities*, from the destination points specified above to the named origin points. Restriction: restricted to retail delivery service, under contract with Stern Brothers. **NOTE:** Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119619 (Sub-No. 59) (Amendment), filed July 12, 1971, published in the FEDERAL REGISTER issue of August 5, 1971, and republished, as amended, this issue. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lebrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Goshen, Indianapolis, and Noblesville, Ind., to points in Illinois, Nebraska, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. **NOTE:** The purpose of this republication is to redescribe the territorial scope of the application. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed neces-

sary, applicant requests it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 61), filed July 30, 1971. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lebrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Desert toppings and milk or cream substitutes*, in vehicles equipped with mechanical refrigeration and (b) from the plantsites and facilities utilized by Swift and Co., its divisions and subsidiaries, at Holland, Mich., and Chicago, Ill., to points in Illinois, Iowa, Wisconsin, Minnesota, Nebraska, Kansas, Missouri, Indiana, Ohio, Pennsylvania, New York, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, Connecticut, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Louisville, Ky., 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 119619 (Sub-No. 62), filed July 22, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lebrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of the Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and facilities utilized by Bird Provision Co., at Pekin and Peoria, Ill., to points in Iowa, Kansas, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119657 (Sub-No. 9), filed August 3, 1971. Applicant: GEORGE TRANSIT LINE, INC., 760-764 Northeast 47th Place, Des Moines, IA 50313. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals* (except in bulk in tank vehicles), between Des Moines, Denison, Pocahontas, Sheffield, Shenandoah, Sheldon, Van Horne, and Washington, Iowa, on the one hand, and, on the other, points in Arkansas, Illinois, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, and South Dakota; (2) *paper and polyethylene bags, films, sheeting, and corrugated cartons*, from points in Polk County, Iowa to points in Kansas, Minnesota, Missouri, Nebraska, and South Dakota; and (3) *feed, feed con-*



centrated, feed supplements, premixes, and ingredients (except in bulk in tank vehicles), from points in Polk County, Iowa, to points in Iowa, Kentucky, Michigan, North Dakota, Ohio, Oklahoma, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 119700 (Sub-No. 17), filed July 28, 1971. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Newport, Ark., to points in Arkansas, those in Colorado on and east of U.S. Highway 87, Kansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Tennessee, and Wisconsin; and (2) from Little Rock, Ark., to points in Arkansas, those in Colorado on and east of U.S. Highway 87, Kansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, Tennessee, 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 Little Rock, Ark.

No. MC 119789 (Sub-No. 87), filed July 21, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and detergents* (except commodities in bulk, moving in tank vehicles), from Chicago, Ill., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., Dallas, Tex., or Kansas City, Mo.

No. MC 119789 (Sub-No. 88), filed July 29, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as dealt in and used by Chain Hardware and Department Stores*, from Winsted, Thomaston, Manchester, Middletown, North Haven, Bridgeport, Waterbury, New Haven South Port, and Terrington, Conn.; Olney, Ill.; Ossining, Fairport, and Oneida, N.Y.; Springfield, Mass.; and Parkersburg, and Moundsville, W. Va., to San Francisco, Calif. 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 San

Francisco, Calif., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 89), filed July 29, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Juvenile furniture and toys*, from Elverson, Pa., to points in Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Dallas, Tex.; or Phoenix, Ariz.

No. MC 119789 (Sub-No. 90), filed July 30, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned, bottled and packaged foodstuffs* (except frozen foods, meat, meat products, meat by-products, dairy products, salad dressings, yeast and uncooked bakery goods), from Plymouth, Ind., and Hamilton, Mich., to points in Alabama, Georgia, Missouri and Kansas. 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 Indianapolis, Ind., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 91), filed July 30, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX. 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: *Prepared and preserved foodstuffs* (other than frozen), from Lafayette and New Iberia, La., to points in Colorado, Kansas, Oklahoma, Texas, Arkansas, New Mexico, Arizona, 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 New Orleans, La., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 92), filed August 2, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs* (except meats, meat products, meat byproducts, and dairy products), from Streator, Hoopston and Princeville, Ill., to points in 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 Springfield, Ill., Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 93), filed August 6, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wheels*, suitable for use with or without tires; *wheels*, with wire or sheet metal spokes, with or without tires and *wheel attachments*, from Seabrook, N.H., to North Hollywood, Calif. 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., Dallas, Tex., or San Francisco, Calif.

No. MC 119789 (Sub-No. 94), filed July 23, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought as a common carrier, by motor vehicle over irregular routes, transporting: *Prepared food products, and incidental advertising matter, materials, equipment, and supplies* used in the production, sale, and distribution of prepared food products, from Tracy and Stockton, Calif., to Arlington, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Dallas, Tex., or Washington, D.C.

No. MC 119863 (Sub-No. 10), filed July 16, 1971. Applicant: LAMONI REFRIGERATED EXPRESS, INC., Post Office Box 24, Davis City, IA 50065. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from Omaha, Nebr., to Aurora and Chicago, Ill.; and Cedar Rapids, Ottumwa and Waterloo, Iowa, and (2) from Wahoo, Nebr., to Waterloo, Iowa, under contract with E. W. Kneip, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 119944 (Sub-No. 13), filed August 2, 1971. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, NJ 08876. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Somerville, N.J., to Chestertown, Md. and points in New Jersey, restricted to traffic having a prior movement by rail. NOTE:



Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 121060 (Sub-No. 10), filed August 2, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, composition board, urethane and urethane insulation products*, between Charleston, Ill., on the one hand, and, on the other, points in Alabama, Georgia, Florida, North Carolina, South Carolina, Kentucky, Tennessee, Mississippi, Louisiana, and Arkansas. Note: Applicant states that although it holds no authority at the present time which would permit tacking, and has no applications pending which would permit tacking, applicant will tack in the future if possible with new authority which may be applied for. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 121470 (Sub-No. 6), filed July 9, 1971. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 901 Harrison Street, Nashville, TN 37203. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from the warehouse and storage facilities of Marshall Division, Miles Laboratories, Inc. (formerly known as Union Sales Corp.), at Nashville, Tenn., to Mayfield, Paducah, and Richmond, Ky., Bristol and Abingdon, Va., Cullman and Opelika, Ala., and Rome, Ga. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123067 (Sub-No. 113), filed July 16, 1971. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston Salem, NC 27102. Applicant's representative: L. J. Steele, Post Office Box 11361, Greensboro, NC 27409. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry fertilizer*, in bulk and in bags, from Hamilton County, Tenn., to points in Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 123392 (Sub-No. 31), filed August 3, 1971. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, TX 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gases*, in bulk in tube trailers and *cryogenically liquefied gases*, in bulk, in cryogenic trailers, from points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Indiana, Ohio, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Maryland, and Delaware. 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 Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123407 (Sub-No. 87), filed July 28, 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: *Urethane, urethane products, roofing and building materials, insulating materials, composition board, and gypsum products and materials* used in the installation thereof (except commodities in bulk), from Charleston, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. 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 Jacksonville, Fla., or Birmingham, Ala.

No. MC 123407 (Sub-No. 88), filed August 3, 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: *Building materials*, (except commodities in bulk) and *material and supplies* used in the manufacture of building materials, between Charleston, Ill., Dubuque, Iowa, points in Alabama, Florida, Georgia, Mississippi, Louisiana, Arkansas, Kentucky, Tennessee, Virginia, North Carolina and South Carolina. 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 Tampa, Fla., or Washington, D.C.

No. MC 123639 (Sub-No. 139), filed July 26, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, 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), and (2) *frozen foods*, between points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, Nebraska, Colorado, Kansas, and Missouri, on the one hand, and, on the other, Norfolk, Hampton Roads and Newport News, Va., Baltimore, Md., and New York, N.Y., restricted to import and export traffic having a prior or subsequent movement by water. Note: Applicant states that the requested authority can be tacked with its existing authority under MC 123639 (Sub-No. 28) at Lexington or Minden, Nebr., or with its authority under (Sub-No. 107) at Denver, Colo., to provide through service between the seaports named in this application and points in Arizona, Idaho, Nevada, Oregon, Utah, and Washington. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123685 (Sub-No. 10), filed July 30, 1971. Applicant: PEOPLES CARTAGE INC., 8045 Navarre Road S.W., Massillon, OH 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, and coils, and fittings and accessories* used in connection therewith, from Carrollton and Canton, Ohio to points in Michigan, Ohio, Pennsylvania and West Virginia. Note: Applicant indicates tacking possibilities exist, although it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124211 (Sub-No. 193), filed August 3, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 DTS, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Sabetha, Kans., and Norfolk, Nebr., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124251 (Sub-No. 28), filed August 3, 1971. Applicant: JACK JORDAN, INC., Post Office Box 688, Dalton, GA. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE.,



Atlanta, GA 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Whitfield County, Ga., to points in Florida, Alabama, Tennessee, North Carolina, South Carolina, and Georgia. **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 Chattanooga, Tenn.

No. MC 125996 (Sub-No. 20), filed July 26, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Arnold Burke, 69 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, moving in vehicles equipped with refrigeration devices, from points in Kansas, Oklahoma, South Dakota, and those in Nebraska on and west of U.S. Highway 81, to points in California, Oregon, and Washington. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Dallas, Tex.

No. MC 125996 (Sub-No. 21), filed July 27, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: George Bacon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from plantsite and storage facilities of Beefland International, Inc., located at Council Bluffs, Iowa, and Omaha, Nebr., to St. Louis, Mo. and its commercial zone. **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 St. Louis, Mo.

No. MC 126000 (Sub-No. 3), filed August 2, 1971. Applicant: CHARLES SOJOURNER, doing business as SOJOURNER TRUCKING COMPANY, 400 Newton Street, Crystal Springs, MS 39059. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building (P.O. Box 22628), Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnishings, fixtures, and equipment used in school and institutional laboratories*, from Crystal Springs, Miss., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Wisconsin, New York, West Virginia, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, under a continuing contract or contracts with General

Equipment Manufacturers, Crystal Springs, Miss., and (2) *shirts, raw materials used in the manufacture of shirts and cardboard materials used in packing and shipping shirts*, between the plantsites and/or warehouse facilities of Crystal Springs Shirt Corp. located at Crystal Springs, Miss., Bernice, La., and Hamburg, Ark., under a continuing contract with Crystal Springs Shirt Corp., Crystal Springs, Miss. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 126063 (Sub-No. 8), filed July 19, 1971. Applicant: BIRD TRUCKING, INC., 1370 Swanner Road, Salt Lake City, UT 84104. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, poultry feed, and animal feed* (1) from points in Utah, to points in California, Oregon, and Idaho, and (2) from points in Idaho, to points in California, Oregon, and Utah, under a continuing contract with Utah By-Products Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 126272 (Sub-No. 54), filed July 30, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories, and equipment used in connection with the distribution of metal containers and metal ends when moving with metal containers*, between Cincinnati, Ohio, and Anderson Township, Hamilton County, Ohio, on the one hand, and points in Illinois, Indiana, the Lower Peninsula of Michigan and Wisconsin, on the other, under contract with The Heekin Can Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127099 (Sub-No. 16), filed July 30, 1971. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, OH 43701. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office, school, library, or industrial furniture*, from Garrett, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials and supplies, used in the manufacture of office, school, library, or industrial furniture* (except commodities in bulk), from points in above-named destination States to Garrett, Ind., under contract with Garrett Tubular Products, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127274 (Sub-No. 27), filed August 2, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue,

Muncie, IN 47302. 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: *Sugar* (except in bulk), from Gramercy, La., to points in Illinois, Indiana, Ohio, Missouri, Kentucky, West Virginia, Oklahoma, Arkansas, Tennessee, Mississippi, Alabama, Georgia, 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 be held at Indianapolis, Ind., or New Orleans, La.

No. MC 127816 (Sub-No. 3), filed August 2, 1971. Applicant: RAYMOND FOWLER, doing business as BLUESTEM TRUCK LINE, 509 Elm Street, Emporia, KS 66801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Hominy feed*, from Atchison, Kans., to points in Texas west and north of a line beginning at a point where U.S. Highway 283 intersects the Oklahoma-Texas State Line (approximately 25 miles north of Vernon, Tex.), thence south via U.S. Highway 283 to its intersection with U.S. Highway 80 (near Clyde, Tex.), thence west via U.S. Highway 80 to its intersection with Texas State Highway 176 (at Big Springs, Tex.), thence over Texas State Highway 176 to the Texas-New Mexico State Line to points in Cimarron, Tex., Beaver, Harper, Woods, Alfalfa, Grant, Kay, Osage, and Woodward Counties, Okla.; and (B) *dry feed*, from Emporia, Kans.; to Osage, Beaver, Washington, Harper, Woods, Alfalfa, Major, Woodward, Dewey, Blaine, and Kingfisher Counties, Okla. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127867 (Sub-No. 7), filed July 30, 1971. Applicant: TRANSOL COMPANY, a corporation, 116 Forest Avenue, Des Moines, IA 50314. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, from Freeport, Longview, Texas City, and Houston, Tex., and points in their commercial zones, to points in Iowa, Illinois, Nebraska, South Dakota, and Wisconsin, under contract with Barton Naphta Corp.; Barton Solvents, Inc.; and Barton Solvents Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 128085 (Sub-No. 2), filed July 26, 1971. Applicant: JOHN NOVAK, Route 1, Box 11, Laona, WI 54541. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Forest products* (except commodities in bulk, and those



commodities which, because of size or weight, require the use of special equipment), from the plantsites of Connor Forest Industries located in Michigan and Wisconsin to points located on and east of the western boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and (2) *materials and supplies* used in the manufacturing and distribution of (1) on return. Operations herein are limited to a transportation service to be performed under a continuing contract or contracts with Connors Forest Industries. **NOTE:** If a hearing is deemed necessary, applicant does not specify location.

No. MC 128355 (Sub-No. 7), filed July 29, 1971. Applicant: HURLIMAN TRUCKING COMPANY, a corporation, Post Office Box 17204, Portland, OR 97217. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shot, iron or steel*, not ammunition, from Mishawaka and Elkhart, Ind., and Cleveland, Ohio, to points in California; and (2) *shot blast machine repair parts*, from Mishawaka, Ind., to Gardena, Calif., under a continuing contract with The Wheelabrator Corp. **NOTE:** Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 128375 (Sub-No. 68), filed August 2, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representatives: Duane W. Ackle, Post Office Box 80806, Lincoln, NE 68501 and Kenneth Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Popcorn and grain products*, between Cedar Rapids, Iowa, on the one hand, and, on the other, points in the United States, under continuing contract with Liggett & Meyers, Inc. and its subsidiaries and divisions. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128497 (Sub-No. 10), filed July 30, 1971. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, IA 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from the plantsite and storage facilities of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Illinois, Minnesota and Ohio, and (2) *meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Illinois, Minnesota, Indiana, and Wisconsin, to the plantsite and storage facilities of

Armour-Dial, Inc., at Fort Madison, Iowa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124807, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128639 (Sub-No. 4), filed August 2, 1971. Applicant: REGINALD H. CURRIER, 103 Lancaster Road, Gorham, NH 03581. 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: *Wood chips*, in bulk, from Ashland, N.H., to Glens Falls, 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 Concord, N.H., or Boston, Mass.

No. MC 129222 (Sub-No. 1) filed August 2, 1971. Applicant: MARVIN FORD, doing business as FORD TRUCK LINE, Tipton, Iowa 52772. 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: (1) *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, from Walcott, Iowa to points in Minnesota, Missouri and Wisconsin; (2) *liquid fertilizer ingredients*, in bulk, from Walcott, Iowa, to points in Illinois, and (3) *nitrogen solution* from the plantsite and storage facilities of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in 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 Des Moines, Iowa, or Chicago, Ill.

No. MC 129282 (Sub-No. 11), filed August 2, 1971. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, with or without chemicals added, in packages or machine pressed blocks, from Iberia Parish, La., to points in Arkansas, Texas, and Memphis, Tenn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 129397 (Sub-No. 3), filed July 26, 1971. Applicant: WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, Phoenix, AZ 85005. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as de-

scribed in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facility of Swift Fresh Meats Co. at Tolleson, Ariz., to points in Arkansas, Louisiana, Mississippi, and Texas, under contract with Swift & Co., and (b) printing paper, other than newsprint, from Zee, La., and Pasadena, Tex., to Phoenix, Ariz., under contract with W. A. Krueger Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 129660 (Sub-No. 2), filed August 3, 1971. Applicant: MALLETT BROTHERS TRUCK LINE, INC., Route 2, Box 243, Gautier, MS 39553. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, molding and trim, and advertising and display materials, paint stains and nails*, when moving in the same shipment with plywood, molding and trim, from the plantsite of Pavco Industries, Inc., at Pascagoula, Miss., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Texas, Tennessee, Kentucky, Kansas, North Carolina, South Carolina, Illinois, Missouri, Michigan, Ohio, Virginia, New York, New Jersey, Oklahoma, Maryland, District of Columbia, West Virginia, Pennsylvania, and Indiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133119 (Sub-No. 8), filed July 16, 1971. Applicant: HEYL TRUCK LINES, INC., Post Office Box 206, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Luverne, Minn.; and Emporia, Kans., to ports of entry on the international boundary line between the United States and Canada, located in the States of Michigan and New York, restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins and restricted to shipments moving in foreign commerce. **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 Sioux City, Iowa, or Omaha, Nebr., or Sioux Falls, S. Dak.



No. MC 133566 (Sub-No. 13), filed August 2, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 876, Logansport, IN 46947. Applicant's representative: Jack H. Bianshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson Sinclair Co., at or near Sodus, Mich., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above-specified origin and destined to the above-specified destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 133655 (Sub-No. 49), filed August 3, 1971. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from points in Illinois and Indiana to the plantsite and/or storage facilities of Armour-Dial, Inc., at Fort Madison, Iowa, and (2) *meats cooked, cured, or preserved*, with or without vegetable, milk, eggs, or fruit ingredients, other than frozen, from the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133655 (Sub-No. 50), filed August 2, 1971. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery blend*, from Louisville, Ky., to points in Arkansas, Missouri, Iowa, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Nevada, Utah, Oregon, and Washington. 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 Louisville, Ky., or Chicago, Ill.

No. MC 133655 (Sub-No. 51), filed August 2, 1971. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from points in Illinois and Indiana to the plantsite and/or storage facilities of Armour-Dial, Inc., at Fort Madison, Iowa, and (2) *meats cooked, cured, or preserved*, with or without vegetable, milk, eggs, or fruit ingredients, other than frozen, from the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

TIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Beefland International's plantsite at Council Bluffs, Iowa, and Storage facilities to points in Maine, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 133737 (Sub-No. 7), filed July 23, 1971. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, 8998 L Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, (a) from Des Moines, Iowa, to St. Joseph, Mo., and points in Nebraska and Kansas, (b) from Omaha, Nebr., to St. Joseph, Joplin, and Maryville, Mo., and points in Kansas; (2) *animal health products*, (a) from Omaha, Nebr., to St. Joseph, Mo., and points in Kansas, (b) from Des Moines, Iowa, and Eagle Grove, Iowa, to St. Joseph, Mo., and points in Nebraska and Kansas; (3) *salt*, (a) from Hutchinson, Kans., to Denison, Washington, Des Moines, and Sioux City, Iowa, and Albion, Omaha, Grand Island, and Lexington, Nebr.; and (4) *dog food, calf milk replacer, and dried molasses*, (a) from Joplin, Mo., to Des Moines, Sioux City, and Washington, Iowa, and Grand Island and Omaha, Nebr., under contract with Nixon & Co. (ConAgra). Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133937 (Sub-No. 10), filed July 20, 1971. Applicant: CAROLINA CARTAGE COMPANY, INC., 424 Airport Road, Post Office Box 1075, Greenville SC 29602. Applicant's representatives: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036, and James Lanier (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 and commodities in bulk, between the Charlotte-Douglas Municipal Airport at Charlotte, N.C., on the one hand, and, on the other, points in Brunswick, Stanly, Columbus, Robeson, Pender, Cumberland, Scotland, Hoke, Moore, Richmond, Anson, Union, Carbarrus, Montgomery, Duplin, New Hanover,

Bladen, Onslow, and Mecklenburg Counties, N.C. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 133967 (Sub-No. 8), filed July 29, 1971. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, WI 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Doors, sashes, window units, screens, frames and window blinds, and parts and accessories thereof*, whether moving in separate or mixed shipments, from Ladysmith, Wis., to points in North Dakota, South Dakota, Montana, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Michigan, Nebraska, Pennsylvania, West Virginia, and Iowa; and (b) *materials and supplies* used in the manufacture and distribution of the above commodities, from the destinations named to Ladysmith, Wis. Restricted to service under contract with Great Lakes Millwork Corp., Ladysmith, Wis., and (2) (a) *Wooden pallets and pallet parts* from Ogema, Wis., to points in Illinois, Indiana, Minnesota, Michigan, and Wisconsin; and (b) *materials and supplies* used in the manufacture and distribution of the above commodities, from the destinations named, to Ogema, Wis. Restricted to service under contract with E. W. Larson, doing business as E. W. Larson Co., Ogema, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Madison or Eau Claire, Wis.

No. MC 134070 (Sub-No. 12), filed July 20, 1971. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. 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: *Containers, container ends, caps and covers*, from Lemoyne, Pa., Cambridge and Hurlock, Md., to points in Glassboro and Williamstown, N.J., under contract with National Fruit Co., Violet Packing Co., and Ron Son Mushroom Product Co., Inc. Note: 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 134264 (Sub-No. 10), filed August 3, 1971. Applicant: OCKENFEL'S TRANSFER, INC., Post Office Box 3, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related articles, supplies and accessories*, from Arthur, Ill.; Cresco and Iowa City, Iowa; plantsite of Advanced



Drainage Systems of Ohio, Inc., near Malinta and Wooster, Ohio; and Rowland, N.C., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and (2) *materials, equipment, and supplies* used in the manufacture, processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Arthur, Ill.; Cresco and Iowa City, Iowa; the plantsite of Advanced Drainage Systems of Ohio, Inc., near Malinta, Ohio; Wooster, Ohio; and Rowland, N.C., under contract with Advanced Drainage Systems, Inc., Advanced Drainage Systems of Ohio, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 134454 (Sub-No. 4), filed July 26, 1971. Applicant: PRICE DELIVERY SERVICE, INC., 367 West Second Street, Dayton, OH 45402. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Concrete products* (except commodities in bulk); (b) *pipe fittings*; and (c) *materials and supplies* incidental to the manufacture of concrete products (except commodities in bulk), between the plantsite of Price Brothers Co. in Dutchess County, N.Y., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, Ohio, and the District of Columbia, under contract with Price Brothers. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134574 (Sub-No. 6), filed August 2, 1971. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105th Avenue, Edmonton, AB, Canada. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, malt liquors, wine, and distilled alcoholic beverages* in consumer bottles and cans, from points in California to points along the United States-Canadian border in Washington, Idaho, and Montana, restricted to shipments having a destination in the realm of Canada. NOTE: Applicant holds contract authority under MC 124972 (Sub 2), 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 San Francisco, Calif.

No. MC 134777 (Sub-No. 18), filed August 2, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representatives: James C. Hamill, Suite 204, Law

Title Building, 325 Robert S. Kerr Avenue, Oklahoma City, OK 73102 and Dale Waymire (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Wilson Certified Foods at Oklahoma City, Okla., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Fort Worth, Tex., or Washington, D.C.

No. MC 134777 (Sub-No. 19), filed August 2, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Sooner Building, Highway 70 South, Madill, OK 73446. Applicant's representatives: James C. Hamill, Suite 204, Law Title Building, 325 Robert S. Kerr Avenue, Oklahoma City, OK 73102 and Dale Waymire (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite and/or warehousing facilities of Wilson Certified Foods at Oklahoma City, Okla., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states it holds contract carrier authority under MC 87088 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Fort Worth, Tex., or Washington, D.C.

No. MC 134922 (Sub-No. 15) filed July 26, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 16, North Little Rock, AR 72118. Applicant's representative: George Harris c/o B. J. McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Pine Bluff, Ark., to points in Ohio, Indiana, Illinois, Wisconsin, Missouri, Michigan, Iowa, Minnesota, Kansas, Oklahoma, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Jacksonville, Fla.

No. MC 135066 (Sub-No. 2), filed July 26, 1971. Applicant: SILVER CITY

FROZEN FOODS, INC., 16500 West Glendale Drive, New Berlin, WI 53151. Applicant's representative: Victor L. Leben, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and restaurant supplies*: (a) from Milwaukee, Wis., to points in the Chicago, Ill., commercial zone; and (b) from LaGrange, Ill., Milwaukee, Wis., under contract with Bon Host Service Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 135280 (Sub-No. 3), filed July 26, 1971. Applicant: PEP LINES TRUCKING CO., a corporation, 15120 Third Avenue, Highland Park, MI 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such merchandise* as is dealt in by mail order and chain retail department stores, and in connection therewith, *materials and supplies* used in the conduct of such business; (1) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Norfolk, Portsmouth, Newport News, Hampton, Virginia Beach, Suffolk, and Williamsburg, Va., and their commercial zones as defined by the Commission, on the one hand, and, on the other, points in Virginia and North Carolina; (2) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Frederick County, Md., to points in Maryland, Pennsylvania, and West Virginia; and (3) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Hartford County, Md., to points in Maryland, Delaware, and Pennsylvania; and (B) *returned shipments of such merchandise* as is dealt in by mail order and chain retail department stores from the above specified destination areas to the respective origins described hereinabove, under continuing contract or contracts with Montgomery Ward & Co., Inc. NOTE: Applicant also holds common carrier authority under MC 120184 and subs, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135343 (Sub-No. 1), filed July 28, 1971. Applicant: VAN De HOGEN CARTAGE LIMITED, Route 4, Chatham, ON, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *brick and stone*, from those ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania. NOTE: Applicant holds contract carrier authority under MC 133318, 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 Buffalo, N.Y.

No. MC 135452 (Sub-No. 2), filed July 26, 1971. Applicant: JOHN R. SHEARON AND FRED D. SHEARON, a partnership, doing business as SHEARON TRUCKING, Vine Street, Post Office Box 387, Ashland City, TN 37015. Applicant's representatives: A. O. Buck and Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap steel*, from Ashland City, Tenn., to Gadsden, Ala., and (2) *coil steel and steel sheets*, from Gadsden, Ala., to Ashland City, Tenn., under contract with State Stove & Manufacturing Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 135453 (Sub-No. 2), filed July 28, 1971. Applicant: BARLAGE, INC., Eldred, Ill. 62027. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, for the account of American Oil Co., from White Hall, Ill., to points in Missouri, under contract with American Oil Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 135536 (Sub-No. 1), filed August 3, 1971. Applicant: MESSIER TRANSPORT (MARIEVILLE), INC., 132 Russeau St.-Louis, Marieville, P.Q. Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nails, wire, bolts, wire-mesh, and wire rods*, from ports of entry on the international boundary line between the United States and Canada located in Vermont, New Hampshire, and Maine, to points in Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island, under contract with Sivaco Wire and Nail Co., Marieville, Province of Quebec, Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Montpelier, Canada, or Albany, N.Y.

No. MC 135575 (Sub-No. 1), filed August 2, 1971. Applicant: J. BRUCE LITTLEFIELD, doing business as B. LITTLEFIELD & SONS, Lebanon Road, North Berwick, ME 03906. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Everett, Mass., to points in York County, Maine, under contract with Warren Brothers Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland or Augusta, Maine.

No. MC 135593 (Sub-No. 1), filed July 27, 1971. Applicant: WOODROW W. DEWITT, doing business as SHORT'S VAN & STORAGE, 6060 North Figueroa Street, Los Angeles, CA 90042, Appli-

cant's representative: Alan F. Wohlstetter, 1700 K Street NW., 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 Diego, Orange, Los Angeles, Ventura, Santa Barbara, San Bernardino, Riverside, and Imperial Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135601 (Sub-No. 1), filed August 2, 1971. Applicant: RESEARCH TRANSPORT COMPANY, INC., 1835 East North Street, Salina, KS 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fumigants, insecticides, herbicides, flour bleaching and maturing compounds*, (2) *equipment and supplies used in the application and sale of fumigants, insecticides, herbicides, flour bleaching and maturing compounds*, from Freeport, Tex., Salina, Kans., Claremore, Okla., and Burt, N.Y., to points in the United States (except Alaska and Hawaii), and (3) *materials and supplies used in the manufacture of products named in (1) above*, from points in the United States (except Alaska and Hawaii), to Salina, Kans., Claremore, Okla., and Burt, N.Y., under continuing contract with Research Products Co., Salina, Kans., Research Flour Service Products Co., Inc., Salina, Kans., The Weevil-Cide Co., Salina, Kans., and Grain Fumigation Co., Inc., Salina, Kans. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135623 (Sub-No. 1), filed July 30, 1971. Applicant: RAINBOW EXPRESS, INC., 539 North 171st, Seattle, WA. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from points in Minnesota to points in Washington, under contract with National Distributing Co., Anacortes Distributing Co., Totem Beverages, Inc., Puget Sound Distributors, City Beverages, Inc., and Consolidated Beverages. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135660 (Sub-No. 1), filed August 2, 1971. Applicant: BROWNSBERGER ENTERPRISES, INC., Rural Free Delivery No. 1, Post Office Box 111, Butler, MO 64730. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Plastic pipe, plastic tubing, plastic conduit, plastic molding, valves, fittings, compounds, joint sealers, bonding cement, thinner, vinyl, and accessories used in the installation of such products*, from Linn Creek, Mo., to points in Texas, Kansas, Oklahoma, Arkansas, Illinois, Minnesota, Iowa, Nebraska, Tennessee, Louisiana, Mississippi, Ohio, Indiana, North Carolina, South Carolina, Georgia, Alabama, Pennsylvania, Wisconsin, Virginia, Florida, and West Virginia, and (2) *materials and supplies used in the manufacture of the products in (1) above*, from points in the above-named destination States to Linn Creek, Mo., under contract with Central Missouri Pipe Co. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135678 (Sub-No. 1) filed July 30, 1971. Applicant: MIDWESTERN TRANSPORTATION, INC., 620 South Broadway, Post Office Box 25802, Oklahoma City, OK 73125. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*; (1) between Oklahoma City, Okla., and the Oklahoma-Texas State line, approximately 1 mile west of Texola, Okla.; from Oklahoma City, Okla., over U.S. Highway 66 and Interstate Highway 40 to the Oklahoma-Texas State line, and return over the same route, serving all intermediate points (except Bethany, Yukon, and El Reno), and serving the off-route point of Hydro, Okla.; (2) between Oklahoma City, Okla., and Sayre, Okla.; from Oklahoma City, Okla., over Interstate Highway 40 and U.S. Highway 66 to Clinton, thence over State Highway 73 to its junction with State Highway 34, thence over State Highway 34 to its junction with State Highway 33, thence over State Highway 33 to its junction with U.S. Highway 283, thence over U.S. Highway 283 to Sayre, Okla., and return over the same route, serving all intermediate points between Clinton and Sayre, Okla., and the off-route points of Stafford, Hammon, and Herring, Okla.;

(3) Between Oklahoma City, Okla., and intersection of State Highway 34 and State Highway 33; from Oklahoma City, Okla., over U.S. Highway 66 and Interstate Highway 40 to Clinton, thence over U.S. Highway 183 to its intersection with State Highway 33, thence over State Highway 33 to its intersection with State Highway 34, and return over the same route, serving all intermediate points between Clinton and intersection of State Highway 34 and State Highway 33; (4) between Oklahoma City, Okla., and Erick, Okla.; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66 to Weatherford, thence over State Highway 54 to its intersection with State Highway 33, thence over State Highway 33 to its intersection with U.S. Highway 183, thence over U.S. Highway 183 to its intersection with U.S. Highway 60, thence over U.S. Highway 60 to Sell-



ing, thence over U.S. Highway 60 to Arnett, thence north over State Highway 46 to Gage, thence over State Highway 15 to Shattuck, thence over U.S. Highway 283 to its intersection with State Highway 33, thence over State Highway 33 to its intersection with State Highway 30, thence over State Highway 30 to Erick, Okla., and return over the same route, serving all intermediate points between Weatherford and Erick, Okla., and serving the off-route points of Durham and Dempsey, Okla.; (5) between Oklahoma City, Okla., and Sayre, Okla.; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66 to Clinton, thence over U.S. Highway 183 to its intersection with State Highway 47, thence over State Highway 47 to its intersection with U.S. Highway 283, thence over U.S. Highway 283 to Sayre, Okla., and return over the same route, serving all intermediate points between Clinton and Sayre, Okla.;

(6) Between Oklahoma City, Okla., and Vici, Okla.; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66 to Elk City, thence over State Highway 34 to Vici, Okla., and return over the same route, serving all intermediate points between Elk City and Vici, and the off-route point of Trail, Okla.; (7) between Oklahoma City, Okla., and intersection of State Highway 33 and U.S. Highway 283, approximately 1 mile north of Roll, Okla.; from Oklahoma City, over Interstate Highway 40 and U.S. Highway 66 to Elk City, thence over State Highway 6 to its intersection with U.S. Highway 283, thence over U.S. Highway 283 to intersection State Highway 33 and U.S. Highway 283, and return over the same route, serving all intermediate points between Elk City, Okla., and intersection of State Highway 33 and U.S. Highway 283; (8) between Oklahoma City, Okla., and the Oklahoma-Texas State line approximately 5 miles west of Sweetwater, Okla.; from Oklahoma City over State Highway 152 to the Oklahoma-Texas State line approximately 5 miles west of Sweetwater, Okla., and return over the same route, serving all intermediate points between the intersection of State Highway 152 and State Highway 54, and the Oklahoma-Texas State line approximately 5 miles west of Sweetwater, Okla.; (9) between Oklahoma City, Okla., and Weatherford, Okla.; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66 to Weatherford, Okla., thence over State Highway 54 to its intersection with State Highway 152, and return over the same route, serving the off-route points of Corn and Colony, Okla.; (10) between Oklahoma City, Okla., and Sayre, Okla.; from Oklahoma City over State Highway 152 to Cordell, thence over U.S. Highway 183 to Rocky, thence over State Highway 55 to its intersection with State Highway 152, thence over State Highway 152 to Sayre, and return over the same route, serving all intermediate points between Cordell and Sayre, Okla., including Cordell, Okla.;

(11) Between Oklahoma City, Okla., and Butler, Okla.; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66, to Clinton, thence over State Highway 183 to Rocky, thence over State Highway 55 to Sentinel, thence over State Highway 44 to Butler, and return over the same route, serving all intermediate points between Sentinel and Butler, Okla., and the off-route point of Clinton Sherman Air Force Base; (12) between Elk City, Okla., and Retrop, Okla.; from Elk City over State Highway 6 to Retrop, and return over the same route, serving all intermediate points; (13) between Elk City, Okla., and intersection of State Highway 34 and State Highway 152; from Elk City over Interstate Highway 40 and U.S. Highway 66 to its intersection with State Highway 34, thence over State Highway 34 to its intersection with State Highway 152, and return over the same route; and (14) between Oklahoma City, Okla., and intersection of U.S. Highway 183 and State Highway 47; from Oklahoma City over Interstate Highway 40 and U.S. Highway 66 to Weatherford, thence over State Highway 54 to Thomas, thence over State Highway 47 to its intersection with U.S. Highway 183, and return over the same route, serving all intermediate points between Thomas, Okla., and intersection of U.S. Highway 183. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Clinton, Okla.

No. MC 135712 (Sub-No. 1), filed August 2, 1971. Applicant: MANUFACTURER'S TRANSPORT CORPORATION, 1499 Lissner Avenue, Savannah, GA 31408. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Waste paper*, from points in Georgia, South Carolina, and Tennessee to Union Camp Corp. mill and storage facility located at or near Montgomery, Ala.; and (2) *paper and paper products*, from Union Camp Corp. mill located in Autauga County, Ala., to points in Georgia, South Carolina, and Tennessee, under contract with Union Camp Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., Washington, D.C., Atlanta, or Savannah, Ga.

No. MC 135777, filed June 23, 1971. Applicant: DEPENDABLE INTERLINE TRANSFERS, INC., 299 Lake Avenue, Deer Park, NY 11729. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods, commodities in bulk), restricted to traffic with a prior or subsequent movement by aircraft, between John F. Kennedy International Airport, La Guardia Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other,

Logan International Airport, Boston, Mass.; Bradley International Airport, Hartford, Conn.; Hancock Airport, Onondaga County, N.Y.; Albany County Airport, Albany, N.Y.; Stewart Air Force Airport, Orange County, N.Y.; McGuire Air Force Base, Burlington and Ocean Counties, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Greater Wilmington Airport, New Castle County, Del.; Dover Air Force Airport, Dover, Del.; Friendship Airport, Anne Arundel County, Md.; National Airport, Gravelly Point, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135804 (Sub-No. 1), filed July 29, 1971. Applicant: DIRKS EXPRESS, INC., 802 Black Hawk, Reinbeck, IA 50669. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Butter*, from Hudson and Sully, Iowa, to Chicago, Ill., and points in its commercial zone and materials, equipment, and supplies, used in the manufacture, preparation, or sale of dairy products from Chicago, Ill., and points in its commercial zone to Sully and Hudson, Iowa, under continuing contract with Land O'Lakes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 135849 (Sub-No. 1), filed July 30, 1971. Applicant: WAYNE L. GROPPER, doing business as GRINNELL TRANSPORT, 223 West Street, Grinnell, IA 50112. Applicant's representative: Kenneth F. Dudley, 811 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from St. Louis, Mo., to Grinnell, Iowa, under contract with Grinnell Beverage Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 135851 (Sub-No. 1), filed July 29, 1971. Applicant: PENSACOLA DELIVERY SERVICE, INC., 2500 West Cervantes Drive, Pensacola, FL 32506. Applicant's representatives: Guy H. Postell and Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles and premiums*, and (2) *equipment and supplies* used in connection with the items listed in (1) from Pensacola, Fla., to points in the Alabama counties of Mobile, Baldwin, Escambia, Covington, Geneva, Houston, Henry, Dale, Coffee, Conecuh, Monroe, Clarke, Washington, Butler, Crenshaw, Pike, and Barbour; and points in the counties of Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Calhoun, Gulf, Liberty, and Franklin, Fla., under contract with Avon Products, Inc. NOTE: If a hearing is deemed necessary, appli-



cant requests it be held at Pensacola, Fla., or Atlanta, Ga.

No. MC 135856 (Sub-No. 1), filed July 21, 1971. Applicant: ROCK HAULERS, INC., Post Office Box 121, Middleburg, FL 32068. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone, dolomite and hi-calcic limestone*, in bulk, in dump-type trailers, from points in Florida to points in Georgia and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 135880, filed July 25, 1971. Applicant: JOSEPH ALLEN, TRUSTEE OF SUPERSERVICE TRUST, for the benefit of Rose Allen and Murray Brant, TRUSTEE OF SUPERSERVICE TRUST, for the benefit of Lily Brant, doing business as SUPERSERVICE TRUCKING CO., 34-33 Collins Place, Flushing, NY 11354. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint and printing papers*, between Greenwich, Conn., on the one hand, and, on the other, points in New Jersey, Connecticut, Massachusetts, and that part of New York on, south, and east of New York Highway 7 between the New York-Vermont State line via Albany and Binghamton, N.Y., to the New York-Pennsylvania State line, and including Long Island, N.Y., under contract with The Bato Co., Inc., 34-33 Collins Place, Flushing, NY 11354. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135881, filed July 30, 1971. Applicant: CURTIS R. LUNNEY, Westfield, Maine 04787. Applicant's representative: James M. Coyne, Post Office Box R, Caribou, ME 04736. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged beverages and beverage containers* (no bulk), between points in New Hampshire, New Jersey, New York, Connecticut, Rhode Island, Maine, West Virginia, Pennsylvania, and Massachusetts, under contract with Hugh Pierson, Joseph Freeman, William Anderson, Peter Briggs, and Robert Solman. NOTE: If a hearing is deemed necessary, applicant requests it be held at Caribou, or Bangor, Maine.

No. MC 135886, filed July 23, 1971. Applicant: ACTION AIR FREIGHT, INC., 356 Bayside Avenue, Oceanside, NY 11572. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, restricted to traffic having a prior or subsequent movement by air, between points in Nassau and

Suffolk Counties, N.Y., and Fairfield County, Conn., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y., and La Guardia Airport, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Garden City, N.Y.

No. MC 135894, filed July 23, 1971. Applicant: RODGER COOPER, doing business as O. R. COOPER & SON, 806 North Harvey, Urbana, IL 61801. 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: *Foodstuffs*, except in bulk, from the plant and warehouse sites of Kraftco Corp. and its division, Kraft Foods, at or near Champaign, Ill., to points in Ohio, the Lower Peninsula of Michigan, and West Virginia and points in New York, Pennsylvania, and Maryland on and west of Interstate 81, under contract with Kraftco Corp. and its division, Kraft Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 135895, filed July 29, 1971. Applicant: DON RAY BOYD AND JACKIE ROGERS, a partnership doing business as B & R DRAYAGE COMPANY, 481 Julienne Street, Jackson, MS 39204. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., 717 Deposit Guaranty National Bank Building, P.O. Box 22628, Jackson, MS 39205. 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, household goods as defined by the Commission, and automobiles in primary and secondary service), and *empty trailers*, between Jackson, Miss., on the one hand, and, on the other, points in Amite, Attala, Carroll, Choctaw, Clairborne, Copiah, Covington, Franklin, Hinds, Holmes, Humphries, Issaquena, Jasper, Jefferson, Jeff Davis, Jones, Lawrence, Leake, Leflore, Lincoln, Madison, Marion, Montgomery, Neshoba, Newton, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Walthall, Warren, Washington, Winston, and Yazoo Counties, Miss., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar-service. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 135897, filed July 30, 1971. Applicant: JOHN J. GARR, SR., 13027 Worthington Road, Philadelphia, PA 19116. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall plaster and waterproofing compounds* (except commodities in bulk, in tank or hopper vehicles), from the facilities of Penn Crete Products Co., Inc., in Philadelphia, Pa., to Baltimore, Md.; Edison and Neptune City, N.J.; and

Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 135898, filed July 20, 1971. Applicant: WILLIAM MIRRER, doing business as MIRRER'S TRUCKING CO., 38 Alan Avenue, Glen Rock, NJ. 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: *Washing, cleaning and scouring compounds and materials, equipment and supplies* used or useful in the manufacture and sale of washing, cleaning and scouring compounds, except commodities in bulk, between Paterson, N.J., on the one hand, and, on the other, points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, except New York, N.Y., and points in New York, N.Y. commercial zone as defined by the Commission, Nassau, Rockland, and Westchester Counties, N.Y., under contract with Witco Chemical Co. NOTE: Applicant holds common carrier authority under MC 16872 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135986, filed July 27, 1971. Applicant: MOBILE AIR-TRANSPORT, INC., Corner of First and State Streets, Troy, NY 12180. Applicant's representative: E. Robert Bartle (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 commodities requiring special equipment), from American-Canadian border at Champlain, N.Y., to the New York City airports and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, or Albany, N.Y.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 128209 (Sub-No. 1), filed July 30, 1971. Applicant: VOIGHT BUS SERVICE, INC., Rural Route No. 3, St. Cloud, MN 56301. 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: (1) *Passengers and their baggage*, in round-trip charter and special operations (including round-trip sightseeing and pleasure tours); (a) beginning and ending at points in Benton, Mille Lacs, Sherburne, Stearns, and Wright Counties, Minn. and extending to points in the United States (including Alaska, but excluding Hawaii, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, North Dakota, Tennessee, South Dakota, and Wisconsin); (b) beginning and ending at points in Chisago, Crow Wing, Douglas, Isanti, Kandiyohi, Kanabec, Mecker,



Morrison, Pine, Pope, Swift, and Todd Counties, Minn. and extending to points in the United States (including Alaska but excluding Hawaii); (2) *Passengers and their baggage* in round-trip special operations (including round-trip sightseeing and pleasure tours), beginning and ending at points in Benton, Sherburne, Stearns, Mille Lacs, and Wright Counties, Minn. and extending to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, North Dakota, South Dakota, Tennessee, Wisconsin, and ports of entry on the United States-Canada boundary line located in Minnesota. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133305 (Sub-No. 2), filed July 16, 1971. Applicant: DAVIS AIRPORT LIMOUSINE SERVICE, INC., 711 12th Street NE, Canton, OH 44704. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations in round trip sightseeing and pleasure tours, beginning and ending at points in Summit and Portage Counties, Ohio, and at points in Ashland, Medina, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll Counties, Ohio, south of U.S. Highway 224 and extending to points in the United States (except Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Columbus, Ohio.

No. MC 133403 (Sub-No. 1), filed July 26, 1971. Applicant: HUDSON TRANSIT CORPORATION, Montgomery, N.Y. 12549. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in sightseeing or pleasure tours, beginning and ending at points in Allegany and Steuben Counties, N.Y., and extending to points in the United States, including Alaska (but excluding Hawaii). **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Elmira, N.Y., or Corning, N.Y.

No. MC 135844 (Sub-No. 1), filed July 29, 1971. Applicant: CHARLES W. BENNETT, 10409 Forest Avenue, Fairfax, VA 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers only*, between the city of Fairfax, Va., and Calvert Cliffs, Md., from Fairfax over Virginia Highway 236 to the junction of Interstate Highway 495, thence over Interstate Highway 495 to junction Maryland Highway 4, thence over Maryland Highway 4 to Calvert Cliffs, and return over the same route, serving the intermediate points of Anandale, Springfield, and Alexandria, Va., and Forestville, Md. Restriction: Applicant states that the proposed op-

erations will be restricted to the transportation of passengers originating at or destined to the Atomic Energy Plant at Calvert Cliffs, Md. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Fairfax, Va.

#### APPLICATION FOR FREIGHT FORWARDER

No. FF-164 (Sub-No. 5) (ARROW-LIFSCHULTZ FREIGHT FORWARDERS, INC., Extension-Illinois), filed August 5, 1971. Applicant: ARROW-LIFSCHULTZ FREIGHT FORWARDER, INC., 386 Park Avenue South, New York, NY 10016. Applicant's representative: Hylan Cooper, 450 Seventh Avenue, New York, NY 10001. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of: *General commodities*, between points in Illinois, Indiana, Iowa, and Wisconsin on the one hand, and, on the other, points in Oregon and Washington.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 130083 (Sub-No. 1), filed July 30, 1971. Applicant: FUN AFAR, INC., Pen and Pencil Building, Port Jefferson, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC 5) to engage in operations as a *broker* at Port Jefferson, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in round trip sightseeing and pleasure tours, beginning and ending at points in Suffolk County, N.Y., and extending to points in the United States (including Alaska and Hawaii), restricted against the conducting of student tours extending to points west of the Mississippi River.

#### APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 134694, filed July 22, 1971. Applicant: ABLE TRANSPORTATION, INC., 11910 Greenstone Avenue, Santa Fe Springs, CA 90670. Applicant's representative: Donald Murchison, Suite 400, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabric and pre-fabricated iron or steel articles*; (2) *iron or steel articles*; (3) *materials, equipment, and supplies* ordinarily used by structural steel erecting contractors and builders; (4) *return with returned commodities*; and (5) *commodities* otherwise exempt under section 203(b)(6) of the Act when moved with commodities in (4) above, from points in Los Angeles and Orange Counties, Calif., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Washington.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-12798 Filed 9-1-71;8:45 am]

#### ASSIGNMENT OF HEARINGS

AUGUST 30, 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.

Finance Docket No. 26356, Atchison, Topeka and Santa Fe Railway Co., abandonment between Ada and Tupelo, Okla., assigned September 16, 1971, in Conference Room, Chamber of Commerce Building, 300 West Main Street, Ada, OK.

MC 69492 Sub 36, Henry Edwards, doing business as Henry Edwards Trucking Co., assigned October 12, 1971, in Room 661, U.S. Courthouse, 801 Broadway, Nashville, TN.

MC-F-10613, Eastern Express, Inc.—Control—R. C. Motor Lines, Inc., assigned October 5, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11029, American Export Industries, Inc., and Eastern Express, Inc.—Investigation of Control—R. C. Motor Lines, Inc., assigned October 5, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-10414, Eastern Express, Inc.—Purchase—Kasmar Rochelle Transit Co., assigned October 5, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Finance Docket No. 26630 Sub 1, Baltimore & Eastern Railroad Co., abandonment between Queenstown and Denton, Caroline and Queen Annes Counties, Md., assigned September 27, 1971, at the Public Library, Denton, Md.

MC 100853 Sub 14, W. Howard Pinkett, now assigned September 14, 1971, at Washington, D.C., is canceled.

MC 99610 Sub 12, Ross Neeley Express, Inc., dismissed.

MC 115331 Sub 301, Truck Transport, Inc., now assigned September 15, 1971, at St. Louis, Mo., canceled transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 71-12899 Filed 9-1-71;8:51 am]

[Notice 357]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application



is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specified as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 129397 (Sub-No. 4 TA) (Correction), filed July 26, 1971, published FEDERAL REGISTER, issue of August 6, 1971, corrected and republished as corrected this issue. Applicant: WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, 4833 West Louver Buckeye Road, Phoenix, AZ 85005. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, other than newsprint, from Zee, La., and Pasadena, Tex., to Phoenix, Ariz., for 180 days. NOTE: The purpose of this republication is to (1) redescribe the authority sought, (2) reflect the contract number as MC 129397 Sub 4 TA, in lieu of 135405 Sub 1 TA, shown erroneously in previous publication, and (3) reflect operations as that of a *contract carrier* in lieu of common carrier. Supporting shipper: W. A. Krueger Co., 2802 West Palm Lane, Phoenix, AZ 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 133055 (Sub-No. 2 TA), filed August 18, 1971. Applicant: SAM GORDON, doing business as S. G. TRUCKING, 4167 Whiteside, Los Angeles, CA 90063. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard*, from Apex, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., for 180 days. Supporting shipper: Johns-Manville Corp., 22 East 40th Street, New York, NY 10016. Send protests to: District Supervisor Phillip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135599 (Sub-No. 1 TA), filed August 19, 1971. Applicant: GLENN WITTENBERG, doing business as WITTENBERG TRUCK LINE, Post Office Box 98, Readlyn, IA 50668. Applicant's representative: Larry D. Knox, 900 Hub-

bell Building, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe or tile, and plastic fittings*, from Mankato, Minn., to points in Iowa and Wisconsin, for 180 days. Supporting Shipper: National Poly Products, Division of Northern Petrochemical Co., 2111 Third Avenue, Mankato, MN 56001. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa.

No. MC 135899 TA, filed August 19, 1971. Applicant: HOWARD S. CULVER, Post Office Box 135, Hebron, MD 21830. Applicant's representative: F. D. Hammond, Post Office Box 53, Dover, DE 19901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, from the plantsite of Delmarva Modular Housing Corp. at or near Salisbury, Md., to points in Maryland, Delaware, and Virginia, for 180 days. Supporting shipper: Delmarva Modular Housing Corp., Post Office Box 2389, Salisbury, MD 21801. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

#### MOTOR CARRIER OF PASSENGERS

No. MC 78734 (Sub-No. 12 TA), filed August 18, 1971. Applicant: THE CONNECTICUT COMPANY, 53 Vernon Street, Hartford, CT 06106. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in round-trip special operations, beginning and ending at Hartford and New Haven, Conn., and extending to the site of Schaefer Stadium, Foxboro, Mass., for 180 days. Supported by: There are approximately 16 affidavits attached to this application whose names and addresses may be obtained from the Hartford field office if necessary. Send protests to: District Supervisor, David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-12897 Filed 9-1-71;8:51 am]

[Notice 742-A]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 27, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer rules, 49 CFR Part 1132:

No. MC-FC-73111. By application filed August 16, 1971, RICHMOND TRANSFER, INC., Post Office Box 86, Excelsior Springs, MO 64024, seeks temporary authority to lease the operating rights of BEST TRUCK LINES, INC., 631 Santa Fe, Kansas City, MO 64101, under section 210a(b). The transfer to RICHMOND TRANSFER, INC., of the operating rights of BEST TRUCK LINES, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-12804 Filed 9-1-71;8:50 am]

[Notice 743]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 30, 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. 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-72863. By order of August 24, 1971, Division 3, acting as an Appellate Division, approved the transfer to Colorado-Oklahoma Express, Inc., Denver, Colo., of the operating rights in certificates No. MC-21170 (Sub-No. 201) and MC-21170 (Sub-No. 242), issued November 25, 1969, and October 18, 1968, respectively to Bos Lines, Inc., Marshalltown, Iowa, authorizing the transportation of meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as defined by the Commission, from plantsites and warehouses at or near Sterling, and Fort Morgan, Colo., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Virginia, and the District of Columbia, and from Guyman, Okla., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA, 52402, attorney for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-12898 Filed 9-1-71;8:51 am]



[Rev. S.O. 994; IOC Order 57, Amdt 3]

## PENN CENTRAL TRANSPORTATION CO.

### Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), and good cause appearing therefor:

*It is ordered, That:*

ICC Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1971, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., August 31, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 27, 1971.

INTERSTATE COMMERCE  
COMMISSION,

[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.71-12900 Filed 9-1-71;8:51 am]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### JAMES FLOYD BIXLER

#### Notice of Granting of Relief

Notice is hereby given that James Floyd Bixler, 1119 South Sixth Avenue, Yakima, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 12, 1947, in the Superior Court of the State of Washington, in and for Yakima County, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Floyd Bixler because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Floyd Bixler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Floyd Bixler'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 James Floyd Bixler 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 26th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12935 Filed 9-1-71;8:55 am]

#### FRANK J. CASSAR

#### Notice of Granting of Relief

Notice is hereby given that Frank J. Cassar, 14292 Hubbell, Livonia, 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 March 16, 1961, in the Recorder's Court of the City of Detroit, State of Michigan, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank J. Cassar 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 Frank J. Cassar to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frank J. Cassar'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 sat-

isfaction 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 Frank J. Cassar 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 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12936 Filed 9-1-71;8:55 am]

#### HERBERT W. DANCE, JR.

#### Notice of Granting of Relief

Notice is hereby given that Herbert W. Dance, Jr., 2133 Oak Lane, Apartment No. 3, Petersburg, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 27, 1970, in the Circuit Court of the County of Chesterfield, Chesterfield, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Herbert W. Dance, 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 Herbert W. Dance to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Herbert W. Dance'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 Herbert W. Dance 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 20th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12933 Filed 9-1-71;8:54 am]

#### PAUL HERBERT ELLIS

##### Notice of Granting of Relief

Notice is hereby given that Paul Herbert Ellis, 13852 Dennis Lane, Farmers Branch, TX has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about July 20, 1948, by the Saginaw County Circuit Court, Saginaw, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul Herbert Ellis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul Herbert Ellis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul Herbert Ellis' application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Paul Herbert Ellis 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 rea-

son of the conviction hereinabove described.

Signed at Washington, D.C., this 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.  
[FR Doc.71-12934 Filed 9-1-71;8:54 am]

#### WILLIAM DEXTER JOHNSON

##### Notice of Granting of Relief

Notice is hereby given that William Dexter Johnson, 1057 Poquonnock Road, Groton, CT, 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 June 19, 1957, in the Superior Court of New London, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William Dexter Johnson, because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for William Dexter Johnson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William Dexter Johnson's application and:

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

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

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

Signed at Washington, D.C., this 26th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12925 Filed 9-1-71;8:54 am]

#### ARTHUR LEE LUTZ

##### Notice of Granting of Relief

Notice is hereby given that Arthur Lee Lutz, Yellowcreek Road, Rural Delivery No. 1, Harmony, PA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about June 11, 1968, by the Criminal Court of Beaver County, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Arthur Lee Lutz because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm 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 Arthur Lee Lutz to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Arthur Lee Lutz' 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 Arthur Lee Lutz 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 20th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12932 Filed 9-1-71;8:54 am]

#### ACEY MOBLEY, JR.

##### Notice of Granting of Relief

Notice is hereby given that Acey Mobley, Jr., 634 Keystone Street, Waterloo, IA, 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 convictions on May 2, 1957, September 6, 1961, and February 26, 1965, in the Shelby County, Tenn., Circuit Court; on May 1, 1958, in the Kankakee, Ill., District Court; and on September 13, 1962, in the Waterloo, Iowa, District Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Acey Mobley, Jr., because of such convictions, 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 convictions, it would be unlawful for Acey Mobley, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Acey Mobley, Jr.'s application and:

(1) I have found that the convictions were made upon charges 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 convictions 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 Acey Mobley, Jr., 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 convictions hereinabove described.

Signed at Washington, D.C., this 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12931 Filed 9-1-71; 8:54 am]

### JAMES L. MOWER

#### Notice of Granting of Relief

Notice is hereby given that James L. Mower, 1224 West Seventh Street, South, Salt Lake City, UT, 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 convictions on November 24, 1964, in the Sixth District Court in and for the County of San Pete, State of Utah, and July 19, 1968, in the Fourth District Court in and for the County of Utah, State of Utah, of crimes punishable by

imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James L. Mower because of such convictions, 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 convictions, it would be unlawful for James L. Mower to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James L. Mower's application and:

(1) I have found that the convictions were made upon charges 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 convictions 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 James L. Mower 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 convictions hereinabove described.

Signed at Washington, D.C., this 20th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12930 Filed 9-1-71; 8:54 am]

### ARTHUR WILLIAM NOVARRO

#### Notice of Granting of Relief

Notice is hereby given that Arthur William Novarro, 80 Fowler Street, Clinton, CT, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 3, 1967, by a General Court-Martial convened at Headquarters Third Air Force (USAFE), of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Arthur William Novarro 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 Arthur William Novarro to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Arthur William Novarro'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 Arthur William Novarro 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 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

[FR Doc.71-12929 Filed 9-1-71; 8:54 am]

### CASPER J. REGINO

#### Notice of Granting of Relief

Notice is hereby given that Casper J. Regino, 3710 San Bernardo, Laredo, TX, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 28, 1953, in the U.S. District Court, Western Division, Del Rio, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Casper J. Regino 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 Casper J. Regino to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Casper J. Regino'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 Casper J. Regino 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 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
*Commissioner of Internal Revenue.*

[FR Doc.71-12928 Filed 9-1-71; 8:54 am]

#### GENNARO P. RONGO

##### Notice of Granting of Relief

Notice is hereby given that Gennaro P. Rongo, 32-32 34th Street, Astoria, Long Island, N.Y., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on or about April 24, 1946, in the New York County Court of General Sessions, New York, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gennaro P. Rongo 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 Gennaro P. Rongo to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gennaro P. Rongo'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 Gennaro P. Rongo 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 25th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
*Commissioner of Internal Revenue.*

[FR Doc.71-12927 Filed 9-1-71; 8:54 am]

#### TARD WALKER

##### Notice of Granting of Relief

Notice is hereby given that Tard Walker, 207 South 13th Street, Saginaw, 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 March 8, 1938, in the Coahoma County, Miss., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Tard Walker 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 Tard Walker to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Tard Walker'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 Tard Walker 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 26th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,  
*Commissioner of Internal Revenue.*

[FR Doc.71-12926 Filed 9-1-71; 8:54 am]

## ENVIRONMENTAL PROTECTION AGENCY

### NOISE ABATEMENT

#### Notice of Availability of Public Hearings Transcripts

Transcripts of public hearings on the general subject of noise abatement and control authorized under title IV, section 402(b), Noise Pollution and Abatement Act of 1970, Public Law 91-604, December 31, 1970 are available for public examination in the reading room of the Office of Noise Abatement and Control, The Environmental Protection Agency, 1835 K Street NW., Washington, DC on the eighth floor.

WILLIAM D. RUCKELSHAUS,  
*Administrator.*

AUGUST 27, 1971.

[FR Doc.71-12912 Filed 9-1-71; 8:52 am]

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Notice 58]

#### COLORADO AND KANSAS

#### Applications for Wheat Crop Insurance

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for wheat crop insurance for the 1972 crop year in all counties in Colorado and Kansas where such insurance is otherwise authorized to be offered is hereby extended until the close of business on September 3, 1971. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,  
*Manager, Federal  
Crop Insurance Corporation.*

[FR Doc.71-12884 Filed 9-1-71; 8:50 am]



# FEDERAL COMMUNICATIONS COMMISSION

## MEXICAN STANDARD BROADCAST STATIONS

### Notification List

AUGUST 24, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number Radials	Length (feet)	
XEZR (daytime operation on 850 kHz) (under construction—change in directional antenna parameters).	Zaragoza, Coahuila, N. 28°29'00", W. 100°54'00".	0.35	860 kHz	DA-N	N	II			
XEEG (previously notified on 1530 kHz).	Panzacola, Tlaxcala, N. 19°08'30", W. 98°12'00".	0.25N/1D	1880 kHz	DA-1	U	III			

FCC Note: Notification of basic information for this change in a Notification List has not been received as of this issue date. Supplementary information was transmitted in accordance with provisional procedures for exchange of notifications estab-

lished in a Memorandum of Understanding between the Delegations of the United States and Mexico signed in Washington on November 27, 1968.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 71-12790 Filed 9-1-71; 8:45 am]

### CANADIAN TELEVISION STATIONS

#### Table of Allocations for VHF and UHF Television

AUGUST 25, 1971.

Table of Canadian television channel allocations within 250 miles of the Canada-U.S.A. border.

The table of Canadian Television Channel Allocations set forth below is recapitulative and contains information supplied by the Department of Communications of Canada, pursuant to section F of the Canadian-U.S.A. Television Agreement (TIAS 2594). It reflects all the additions, changes and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes and deletions, as reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

#### CANADIAN-U.S.A. TELEVISION AGREEMENT

##### TABLE OF ALLOCATIONS FOR VHF AND UHF TELEVISION

(Listed by Province)

CANADA

TABLE A

## Offset Carrier Designators

Zero offset frequency (*italic*).

+ Plus 10 kc.

- Minus 10 kc.

L—Limited Allocation.

Revised to August 15, 1971.

## ALBERTA

City	VHF Channel No.	UHF Channel No.
Banff		51+
Blairmore		57+
Brooks		66-, 72
Burmis	5, 6—L <sup>1</sup>	
Calgary	2+, 4, 9+	16, 22, 28, 44, 50, 73+, 79.
Cardston		19+
Clareholm		62
Coronation	10	
Drumheller	12	20.
Fort MacLeod		74-
Hanna		78-
High River		26.
Innisfall		71.
Lacombe		15-
Lethbridge	7, 13+	23+, 58-, 64+, 80.
Medicine Hat	6-, 8	49, 65+, 71+
Oida		81.
Oyen	2—L <sup>1</sup>	
Pincher Creek		70.
Pivot	4+L <sup>1</sup>	
Provost		24-
Raymond		36+
Red Deer	6+, 8+	31-, 69, 65.
Rocky Mountain House		27.
Stettler		67.
Taber		42+
Vulcan		25.

L<sup>1</sup> Limitation to protect CBUAT-3 Crawford Bay, British Columbia.

L<sup>2</sup> Limitation to protect CKSA-TV Lloydminster, Saskatchewan and CHOT-TV Calgary, Alberta.

L<sup>3</sup> Limitation 18 dbk and 500 feet EHAAT.

## MANITOBA

City	VHF Channel No.	UHF Channel No.
Altona		79.
Beausejour		65.
Blreh River	13+	
Boissevain		47+
Brandon	4+, 5+	19, 25, 73.
Carberry		70.
Carman		61.
Dauphin (Baldy Mountain)	8, 12—L <sup>1</sup>	33, 50.
Fisher Branch	10+L <sup>2</sup>	24.
Foxwarren	11	
Gimli		14.
Killarney		41+
Lac du Bonnet	4L <sup>1</sup>	75.
Melita	9+L <sup>1</sup>	76+
Minnedosa		69.
Morden-Winkler		29.
Neepawa		27.
Portage la Prairie		18, 53.
Roblin		55+
Russel		63+
St. Boniface (see Winnipeg)		
Selkirk		64.
Stelmach		17.
Swan River		77.
Virden		17+
Winnipeg-St. Boniface	3-, 6-, 7+, 9+, 13+	20+, 25, 55, 28, 48, 71, 77+, 83.

L<sup>1</sup> Limitation 200 kw. ERP 500 feet EHAAT to protect Channel 12+ at Wynyard, Saskatchewan.

L<sup>2</sup> Limitation 200 kw. ERP 600 feet EHAAT to protect CBWAT-5 Red Lake, Ontario.

L<sup>3</sup> Limitation to protect allocations at Dryden Ontario, and Brandon, Manitoba.

L<sup>4</sup> Limitations to protect Channel 9- at Regina, Saskatchewan, and Channel 9+ at Winnipeg, Manitoba.



## BRITISH COLUMBIA

City	VHF Channel No.	UHF Channel No.
Bonington	13+, L <sup>1</sup>	
Campbell River	7-	49+
Canal Flats	12 L <sup>2</sup>	
Castlegar		81+
Chilliwack	5	14+, 36+
Clifton	9+ L <sup>2</sup>	
Comfenay	9- L <sup>1</sup> , 15	
Cranbrook	10	65-
Crawford Bay	5 L <sup>2</sup>	
Creston	12	
Duncan	51	
Enderby	72, 78	
Fernie	21+	
Golden	64	
Grand Forks	57	
Hope	65	
Kamloops	4+, 6+ L <sup>2</sup>	50+, 74+, 80
Kelowna	2, 5- L <sup>2</sup>	21, 43+
Kimberley		71-
Kinross		63+
Kitimat	21	
Ladysmith	29	
Merritt		20+
Mission City		81
Mount Timothy	5-	
Nanaimo		23-, 65
Nelson	3+ L <sup>2</sup> , 9 L <sup>2</sup>	14, 25
Newcastle Ridge	11-	
Oliver	8	41
Penticton	10, L <sup>2</sup> , 13	75, 79+
Port Alberni	3+ L <sup>1</sup>	27+, 71+
Port Hardy	8	
Powell River		15-, 45
Prince Rupert	6+, 7	14, 80
Princeton		71
Revelstoke		66+
Rosland		15
Salmon Arm	9- L <sup>2</sup>	56+
Smithers		28
Squamish		35+
Sumnerland		39
Terrace	8	19
Trail	11	56, 52+
Vancouver-New Westminster	2+, 8+	20, 32, 45, 55
Vernon	7-, 12 L <sup>2</sup>	18, 27
Victoria	5, 10+	42, 53, 74, 80+
Warfield		25+
Williams Lake		21+

L<sup>1</sup> Limitation to protect CHBC-TV-1 Penticton, British Columbia.

L<sup>1</sup> Limitation to protect CFCN-TV-1 Drumheller, Alberta.

L<sup>1</sup> Limitation to protect CHBC-TV-4 Salmon Arm, British Columbia.

L<sup>1</sup> Limitation of 8.9 kw. ERP, 493 feet EHAAT specified directional pattern, to protect KCTS Seattle, Wash.

L<sup>1</sup> 1 kw. ERP and 100 feet EHAAT.

L<sup>1</sup> Limitation to protect CHEK-TV, Victoria, British Columbia.

L<sup>1</sup> To protect CFCR-TV-6 Mount Timothy, British Columbia and CBUAT-3 Crawford Bay, British Columbia.

L<sup>1</sup> Limitation to protect CILH-TV-3 Burnie, Alberta.

L<sup>1</sup> Limitation 1.37 kw. ERP, 1600 feet EHAAT, to protect KCFW-TV Kalspell, Mont.

L<sup>1</sup> Limitation to protect CBUT Cranbrook, British Columbia.

L<sup>1</sup> To protect CBUT-2 Chilliwack, British Columbia.

L<sup>1</sup> Limitation to protect CBUAT-1 Nelson, British Columbia.

L<sup>1</sup> Limitation to protect CBUT-1 Canal Flats, British Columbia.

## NORTHWEST TERRITORIES

City	VHF Channel No.	UHF Channel No.
Inuvik	6	

## PRINCE EDWARD ISLAND

City	VHF Channel No.	UHF Channel No.
Charlottetown	13+	51, 57, 81
Summerside	8+	67, 75+

## NEW BRUNSWICK

City	VHF Channel No.	UHF Channel No.
Bathurst		54+, 58
Buctouche		27
Bon Accord	6-	
Campbellton	7- L <sup>1</sup> , 12	58, 78+
Carleton Place		64
Chatham		62+
Chipman		67+
Dalhousie		60
Dorchester		18+
Edmundston	15	18, 68
Fredericton-St. John	9+	18, 45+, 61
Grand Falls	4 L <sup>2</sup>	80
McAdam		71-, 77-
Milltown		53
Moncton	2, 7, 11	24+, 30, 70, 82
Newcastle		55
Oronogo		21-, 51-
Perth		37+
Richibucto		40-
Sackville		55
St. Andrews		82+
Saint John	4+	17, 25, 39, 69
St. Leonard		50+
St. Quentin		42-
St. Stephens		49-
Salisbury		14
Shediac		50
Shippegan		56
Sussex		48
Tracadie		42
Upsalquitch Lake (see Campbellton)		
Woodstock	3+ L <sup>2</sup>	55+

L<sup>1</sup> Limitation 18 dbk and 500 feet EHAAT and toward Channel 7 CKRT-TV Riviere du Loup, Province of Quebec.

L<sup>1</sup> Limitation to protect CHSJ-TV St. John, New Brunswick, CFCM-TV, Quebec, Province of Quebec, and a cochannel allocation at Ste. Anne des Monts Province of Quebec.

L<sup>1</sup> Limitation to protect Channel 5 CJBR-TV Rimouski, Province of Quebec.

## NOVA SCOTIA

City	VHF Channel No.	UHF Channel No.
Amherst		47, 49
Annapolis Royal		42
Antigonish	9	23-
Bridgetown		29
Bridgewater	9- L <sup>1</sup>	54
Caladonia	6+	
Canning	10	
Digby		52-
Halifax	5, 5, 13 L <sup>2</sup>	22, 22, 38+, 65
Kentville		76
Liverpool	12	62
Lunenburg		41
Middleton		60+
New Glasgow	4- L <sup>2</sup>	15-, 45, 65
Parrsboro		20+
Pictou		25
Sheet Harbour	11+ L <sup>2</sup>	35+
Shelburne	8	75
Springhill		86
Tatamagouche		49, 77
Truro		55, 71
Windsor		16+
Wolfville		60
Yarmouth	11-, 3- L <sup>2</sup>	40

L<sup>1</sup> Limitation 17.78 dbk and 500 feet EHAAT.

L<sup>1</sup> Limitation to protect cochannel stations CBCT, Charlottetown, Prince Edward Island, and WMED-TV, Calais, Maine.

L<sup>1</sup> Limitation to protect CHSJ-TV St. John, New Brunswick, and CFCB-TV Sydney, Nova Scotia.

L<sup>1</sup> Limitation to protect Channel 11 CBATF Moncton, New Brunswick.

L<sup>1</sup> Limitation to protect CBHT Halifax, Nova Scotia.

## QUEBEC

City	VHF Channel No.	UHF Channel No.
Alma		48+, 74+, 80-
Asbestos		33
Bale Comeau-Hauterive		28, 57+, 79+
Bale St. Paul		75
Buckingham		80+
Cabano		63+
Chicoutimi-Arvida	2+, 6	36, 58, 70, 76-
		82-
Clermont-La Malbaie		23+
Coaticook		75-
Cowansville		79
Dolbeau		78-
Donnacona		24+
Dorchester County	6 L <sup>2</sup>	
Drummondville		19-, 41+
Estouart		43-
Focsville		77
Fox River	7 L <sup>2</sup>	
Granby		73-
Hull (see Ottawa, Ontario)		
Joliette		65+
Jonquiere-Kenogami	12+	14, 20-, 30-
		45
Lac Megantic		43+
La Tuque	3- L <sup>2</sup>	54, 60
Magog		81
Manicouagan	10	
Marville	4 L <sup>2</sup>	
Matane	6+ L <sup>2</sup> , 9	24, 49+
Mont Clément	11 L <sup>2</sup>	
Mont Joli		22
Mont Laurier	3+	68
Mont Tremblant	11 L <sup>2</sup>	
Montreal-Verdun	2, 6+, 10, 12	17, 22, 29, 35+, 69, 76, 82
Montmagny		49, 67
New Carlisle	5	17+
Perce	2+ L <sup>2</sup>	13+
Plessisville		61+
Port Alfred-Bagotville	9+	52+, 64+
Quebec-Levis	4, 5-, 11+	15-, 21, 27, 45
		51+, 77+, 83+
Rimouski	3-	16, 51
Riviere du Loup	7+	35-, 71
Roberval	8+	26+
Ste. Agathe-des-Monts		56+
Ste. Anne des Monts	4-	66
Ste. Anne de la Pocatiere		
St. Felicien		72+
St. Georges de Beauce		72
St. Hyacinthe		47+
St. Jean-Iberville		70-
St. Jerome		78
Ste. Marguerite-Marie	2- L <sup>2</sup>	
Sept Iles	11-, 13+	14, 20+
Shawinigan Falls		16+, 23, 63
Sherbrooke	7, 9 L <sup>2</sup>	14-, 39, 59
Sorel-Tracy		25
Thetford Mines		32, 74, 80
Timiskaming	12- L <sup>2</sup>	
Trois Pistoies		73
Trois Rivieres	13-	37, 69+
Valleyfield		86, 96+
Verdun (see Montreal)		
Victoriaville		71+

L<sup>1</sup> Limitation to protect CHSJ-TV-1 Bon Accord, New Brunswick, CJPM-TV Chicoutimi, Province of Quebec, CBMT Montreal, Province of Quebec, and WCSB-TV Portland, Maine.

L<sup>1</sup> Limitation 63 watts, 850 feet EHAAT toward Channel 7- CKCD-TV Campbellton, New Brunswick.

L<sup>1</sup> Limitation to protect CBFT-2 Mont Laurier, Quebec.

L<sup>1</sup> Limitation to protect CBOT Ottawa, Ontario, and CFCM-TV Quebec, Province of Quebec.

L<sup>1</sup> Limitation to protect CHSJ-TV-1 Bon Accord, New Brunswick and CJPM-TV Chicoutimi, Province of Quebec.

L<sup>1</sup> Limitation ERP 1.25 dbk EHAAT 732 feet with specified antenna pattern.

L<sup>1</sup> Limitation toward CKWS-TV Kingston, Ontario, and CBVT Quebec, Province of Quebec.

L<sup>1</sup> Limitation toward Channel 2- CHAU-TV-1 Ste. Marguerite-Marie, Province of Quebec.

L<sup>1</sup> Limitation toward Channel 2+ CKRS-TV-2 Chicoutimi, Province of Quebec.

L<sup>1</sup> Limitation to protect CBOFT Ottawa, Ontario, and WMUR-TV Manchester, N.H. Assignment to be located no less than 170 miles from WMUR-TV Manchester, N.H.

L<sup>1</sup> Limitation 18 dbk and 800 feet EHAAT and specified radiation pattern.



## BASKATCHEWAN

City	VHF Channel No.	UHF Channel No.
Assiniboia		61.
Biggar		41-1
Broadview		62.
Canora		64-1
Carlyle Lake	7+ L <sup>1</sup>	
Colgate	12	
Estehary		83+2
Estevan		40.
Eston		52.
Fort Qu'Appelle		41.
Gravelbourg		39-1
Greenwater Lake	4 L <sup>2</sup>	
Humboldt		25.
Indian Head		75+1
Kamsack		42+1
Kindersley		38+1
Maple Creek		53+1
Melville		46+1
Moose Jaw	4-, 7-	16, 80, 55.
Moosomin		54+1
Oxbow		56+1
Regina	2, 9-, 13-	15+1, 24+1, 47, 65, 71, 77-1.
Riverhurst	10- L <sup>1</sup>	
Rosetown		65.
Saskatoon	8+1, 11	17, 23, 23, 54, 70, 76.
Shaunavon	7+ L <sup>1</sup>	78.
Stranraer	3-, 9	
Swift Current	5-, 12-	40+1, 50.
Unity		80-1
Watrous		78+1
Weyburn		48+1
Wilkie		51.
Willow Bunch	6- L <sup>1</sup> , 10+1	
Wynyard	6, 12+ L <sup>1</sup>	31+1.
Yorkton	5, 10	20, 33+1.

L<sup>1</sup> Limitation 20 dbk and 500 feet EHAAT and toward CKMI-TV Marquis (Moose Jaw) Saskatchewan.

L<sup>2</sup> Limitation to protect CHAB-TV Moose Jaw, Saskatchewan.

L<sup>3</sup> Limitation to protect Channel 10+ CKBI-TV-1 Aitkins, Saskatchewan.

L<sup>4</sup> Limitation to protect CKMJ-TV, Channel 7-Marquis, (Moose Jaw) Saskatchewan.

L<sup>5</sup> Limitation to protect Channel 6 CKOS-TV-3 Wynyard, Saskatchewan.

L<sup>6</sup> Limitation to protect CJB-TV-3 Riverhurst, Saskatchewan.

L<sup>7</sup> Limitation to protect Channel 12 CKCK-TV-1 Colgate, Saskatchewan.

## ONTARIO—continued

City	VHF Channel No.	UHF Channel No.
Orillia		24-, 46-
Oshawa		22+, 77-
Ottawa-Hull	4+, 9+, 13+	14, 24, 30+, 40, 49, 52-, 53.
Owen Sound	L <sup>1</sup>	20, 22.
Parry Sound		62-
Pembroke	5+	41, 47, 53-
Peterborough	13+	31+, 44, 54.
Picton		56.
Port Arthur (see Fort William)		
Prescott		18.
Preston		25.
Red Lake	10-	
Renfrew		69.
St. Catharines		60+.
St. Thomas		65.
Sarnia		74+, 83.
Sault Ste. Marie	2-, 4 L <sup>1</sup>	20, 26-, 42, 54, 83+.
Smiths Falls		71, 81+.
Stratford		59.
Sturgeon Falls	7	82+.
Sudbury	6, 9+ L <sup>1</sup> , 13-	10, 25+1, 41+1, 47+1, 60-1.
Thessalon		70+.
Timmins	6, 9-, 3- L <sup>1</sup> , 7- L <sup>1</sup>	62, 68+1, 75.
Toronto	6+, 8	19-, 25, 15, 51, 57, 79.
Trouton		55.
Wawa	9+ L <sup>1</sup>	
Welland		75+.
White River	12- L <sup>1</sup>	
Winston		2-
Windsor	9-	26-, 32+1, 78.
Wingham	8-	72.
Woodstock		18.

L<sup>1</sup> Limitation to protect cochannel assignment at Winton, Ontario. Limitation to protect WGR-TV Buffalo, N.Y. Bancroft assignment to be located no less than 170 miles from WGR-TV.

L<sup>2</sup> Limitation to protect Channel 6+ CBLT Toronto, Ontario.

L<sup>3</sup> Limitation to protect CBFOT-2 Hearst, Ontario.

L<sup>4</sup> The transmitter site of a television broadcast station authorized to operate pursuant to this allocation shall not be located less than 170 miles from the transmitter site of cochannel station WMTW-TV Poland Springs, Maine. The effective radiated power from the Cornwall station over a sector encompassing the northern and southern limits of Lake Champlain will not exceed the equivalent of 50 kilowatts from an antenna 500 feet above average terrain.

L<sup>5</sup> Limitation 20 dbk and 1,000 feet EHAAT.

L<sup>6</sup> Limitation of 310 watts maximum radiated power and 100 watts equivalent nondirectional power, with specified directional antenna pattern at 140 feet EHAAT. Also limitation to protect WPTZ-TV North Pole, N.Y., and WHEN-TV Syracuse, N.Y.

L<sup>7</sup> Limitation to protect Channel 11-CKWS-TV Kingston, Ontario.

L<sup>8</sup> Limitation to protect Channel 8-CKNX-TV Wingham, Ontario, and Channel 6 WRQC-TV Rochester, N.Y.

L<sup>9</sup> Limitation to protect CPCL-TV-2 Kirkland Lake, Ontario.

L<sup>10</sup> Limitation to protect CKRN-TV Rouyn, Que. and CBOT, Ottawa, Ontario.

L<sup>11</sup> Limitation to protect Channel 13-CKTM-TV Three Rivers, Province of Quebec.

L<sup>12</sup> Limitation to protect CKEO-TV Sudbury Ontario.

L<sup>13</sup> Limitation to protect CBFOT Timmins, Ontario.

L<sup>14</sup> Limitation to protect CKSO-TV-1 Elliot Lake, Ontario.

L<sup>15</sup> Limitation to protect CPCL-TV-6 Chapleau, CBFOT-2 Hearst and CBFST Sturgeon Falls.

L<sup>16</sup> Limitation to protect CBFOT Timmins, Ontario.

L<sup>17</sup> Limitation to protect CBFOT-1 Kapuskasing, Ontario.

## YUKON TERRITORY

City	VHF Channel No.	UHF Channel No.
Dawson	5	14, 20.
Watson Lake	8+	
Whitehorse	2+, 6	14, 20.

FEDERAL COMMUNICATIONS COMMISSION,  
WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 71-12789 Filed 9-1-71; 8:45 am]

[Docket No. 19206; FCC 71R-262]

## BUNKER RAMO CORP. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order  
Enlarging Issues

In the matter of Bunker Ramo Corporation, Oak Brook, Ill., Complainant, versus The Western Union Telegraph Co., New York, N.Y., Defendant.

1. Presently before the Review Board for consideration is a petition for modification and amendment of Commission order, and for extraordinary and expedited relief, filed June 21, 1971, by Bunker Ramo Corp. (Bunker Ramo).<sup>1</sup>

2. Bunker Ramo, a corporation engaged in providing brokerage information services, filed a formal complaint against Western Union with the Commission on June 5, 1970. Complainant explained that certain of its services depend upon the use of common carrier communications services and facilities which can be and are obtained from Western Union. Bunker Ramo alleged, inter alia, that since the entrance of Western Union into the brokerage information business,<sup>2</sup> as a competitor, there has been a "sharp deterioration" in Western Union's common carrier service to Bunker Ramo and its customers. Additionally, complainant charged that thereafter defendant failed to supply, maintain and restore communications circuits and facilities; that Western Union has exploited its position by awarding unjust or discriminatory preferences to subscribers to its own SICOM service; and that it has reduced and impaired its common carrier services in violation of the law. On the basis of these charges, complainant sought various forms of relief, including damages. By Order, FCC 70-944, 25 FCC 2d 691, released September 9, 1970, the Commission dismissed Western Union's motion that allegations be made more definite and certain. Subsequently, on April 19, 1971, the Commission released an order, FCC 71-390, 36 F.R. 7617, 28 FCC 2d 617, designating the matter for hearing under various

<sup>1</sup> Other related pleadings before the Board for consideration are: (a) Common Carrier Bureau's statement in partial support, filed July 6, 1971; (b) opposition, filed July 6, 1971, by Western Union Telegraph Co. (Western Union); and (c) reply, filed July 12, 1971, by Bunker Ramo.

<sup>2</sup> See "In the Matter of SICOM," FCC 67-1377, 11 FCC 2d 1, in which the Commission denied petitions to suspend Western Union's SICOM tariff. The tariff described the proposed Western Union service as a computer-based, information-communication service for members of the brokerage community.



issues.<sup>2</sup> Bunker Ramo presently petitions the review Board to rule on the matter of its late-filed petition, to modify and amend the Commission's designation order, and to grant petitioner such extraordinary and expedited relief as may be deemed necessary. Specifically, Bunker Ramo requests that the Review Board modify and amend the designation order in this proceeding by:

(a) Directing the taking of admissible evidence of all violations of the Act, from the beginning of a representative period prior to the marketing and implementation of SICOM, until the date of the taking of such evidence;

(b) Directing that the application of section 415(b) in this proceeding, and the nature of such application, be determined only after a full evidentiary hearing conducted under (a) above;

(c) Expunging and removing all time limitations purporting to or in fact restricting Commission action with regard to any violations of the Act;

<sup>2</sup>The following issues were designated:

I. During the period commencing June 8, 1969 (1 year prior to the filing of the complaint) and continuing up to the release date of our memorandum opinion and order herein.

(i) Whether defendant failed to provide interstate or foreign communications service to complainant or complainant's customers upon reasonable request therefore, in violation of section 201(a) of the Act;

(ii) Whether defendant engaged in unjust or unreasonable practices in connection with providing interstate or foreign communications service to complainant or complainant's customers, in violation of section 201(b) of the Act;

(iii) Whether defendant made any unjust or unreasonable discrimination, preference, advantage, prejudice, or disadvantage in the provision of interstate or foreign communications service to complainant, complainant's customers, or to defendant's SICOM customers, in violation of section 202(a) of the Act;

(iv) Whether defendant imposed any rates, classifications or practices applicable to interstate or foreign communications service provided to complainant, complainant's customers, or to defendant's SICOM customers, in violation of section 203(b) or 203(c) of the Act;

II. Whether complainant is entitled to any monetary damages as a result of any violation of the Act that may be found under issue I hereof and, if so, the amount thereof.

III. Whether the Commission should take any further action with respect to any violation of the Act that may be found under issue I hereof and, if so, the nature thereof.

(d) Restoring a section 214(a) issue to those issues upon which evidence may be taken in hearing conducted under (a) above;

(e) Directing that the Chief of the Common Carrier Bureau (i) be made a party to the proceeding; (ii) investigate the complaint herein; and (iii) participate actively in the evidentiary hearing to be conducted under (a) above and in all subsequent phases of the proceeding as the Commission's rules may prescribe or the circumstances warrant.

3. Prior to considering the merits of the petition for modification, a preliminary question must be resolved: namely, whether or not Bunker Ramo's untimely petition may be entertained. The petition, filed some 6 weeks after the expiration of the time specified for filing in § 1.229 of the rules, is late. However, as pointed out by Bunker Ramo, consideration of the petition would not unduly disrupt the proceeding, nor would it detract from or adversely affect the orderly and fair administration of the Commission's business, since no evidentiary hearing has yet commenced. On the contrary, in our view, as well as in that of the Common Carrier Bureau, resolution of the serious public interest questions raised by complainant's request is fundamental to a fair and complete resolution of this proceeding.<sup>4</sup>

4. Bunker Ramo alleges that the Commission erred in applying the time limitation contained in section 415(b) of the Act for instituting a claim for damages against a common carrier as a bar to the admission of evidence of all alleged violations of the Act, even though such violations warrant relief other than damages.<sup>5</sup> No reason was given for this departure from Commission policy with regard to the application of section

<sup>4</sup>Reliance on "Edgefield-Saluda Radio Co.," 5 FCC 2d 148, 8 RR 2d 611 (1966); and "Du Page Broadcasting, Inc.," 9 FCC 2d 210, 10 RR 2d 830 (1967), is not appropriate in this instance. Those cases dealt with situations where the likelihood of proving factual allegations was central to determining whether or not an untimely petition should be entertained. Here, Bunker Ramo is not alleging new or recently discovered facts; rather, petitioner has raised serious questions about legal conclusions, which allegedly were not properly reached or considered in the designation order.

<sup>5</sup>Section 415(b) of the Act reads as follows: All complaints against carriers for the recovery of damages not based on overcharges should be filed with the Commission within 1 year from the time the cause of action accrues, and not after \* \* \*.

415(b), petitioner argues,<sup>6</sup> nor is there an explanation given for framing the issues in a manner patently inconsistent with the Commission's textual discussion of the statute of limitations.<sup>7</sup> In short, Bunker Ramo contends, there is an absence of reasoned analysis with respect to the propriety of applying the section 415(b) limitation to issues which are not dependent upon claims of compensable injury.

5. Bunker Ramo suggests, furthermore, that the Commission may have erred in applying the 1-year limitation to its claim for damages. It explains that there was "a continuing interconnected deliberate pattern of behavior on the part of Western Union." Thus, because of the difficulty in recognizing precisely when injury as a result of the acts became apparent, petitioner argues, it is difficult to determine precisely at what time the statute of limitations began to run against the petitioner and, accordingly, whether or not section 415(b) has been tolled.<sup>8</sup> Consequently, petitioner

<sup>6</sup>Bunker Ramo states that in every case where the Commission has applied section 415(b) to bar relief, the complainant had been seeking money damages only, citing, *inter alia*, *Thornell Barnes Co. v. Illinois Bell Telephone Co.*, 1 FCC 2d 1247, adopted Nov. 10, 1965; *Sidney Gelb v. The C and P Telephone Co. of the District of Columbia*, FCC 70-134, 21 FCC 2d 407. Moreover, petitioner notes, the taking of evidence in those cases was not limited to the 1-year period. In the single instance where forms of relief other than damages were sought, the Commission deferred application of section 415(b) until after the evidentiary hearing. *Warrensburg Cable v. United Telephone of Missouri*, 27 FCC 2d 727, 21 RR 2d 170 (1971).

<sup>7</sup>Bunker Ramo quotes the following from paragraph four of the designation order:

As to W.U.'s plea that the statute of limitations bars the action, we note that the complainant alleges certain facts occurring within 1 year to the filing of the complaint that allegedly constitute violations of the Act. Thus, we cannot agree that the complaint on its face is barred by section 415 of the Act. Finally, W.U.'s argument that Bunker Ramo may not recover treble or punitive damages and that its interest is too remote to maintain the action do not warrant dismissal of the complaint. Complainants have the burden of proof as to damages and the mere fact that a complaint may include claims for damages that may not be ultimately awarded does not call for dismissal of the complaint. Thus, section 208 of the Act specifies that "no complaint shall at any time be dismissed because of the absence of direct damage to the complainant." 47 U.S.C. 208. Therefore, even if complainant is ultimately found to be entitled to no damages, the complaint is not legally deficient for this reason. Our primary regulatory concern is to determine whether W.U. has violated the Communications Act of 1934. Accordingly, W.U.'s Motion to Dismiss is devoid of merit and will be dismissed.

<sup>8</sup>Bunker Ramo refers to and quotes from allegations in its complaint concerning Western Union's alleged evasion and failure to disclose its true conduct.



argues, the application of the statute of limitations can only be determined after a full evidentiary hearing on all questions of fact relevant to petitioner's complaint. Finally, Bunker Ramo contends that section 415(b) does not diminish the Commission's obligation to investigate violations of the Act, as set forth in section 208 of the Act, nor does it diminish the Commission's obligation to pursue and redress actions of common carriers which are deleterious to the public interest.

6. As a related matter, Bunker Ramo alleges that to end the relevant period of inquiry on the release date of the designation order severely prejudices petitioner in the prosecution of its case. In support of this proposition, petitioner states that it is clear that the alleged violations remain unabated and unredeemed; therefore, to impose a cutoff date, which may be appropriate in orders designating clear, isolated and unrelated incidents for hearing, is not appropriate here.

7. Western Union, in opposition, states that the language employed by the Commission in Issue I<sup>9</sup> demonstrates a specific intention to limit consideration of the issues and, thus, that the Review Board does not have discretion to alter this portion of the designation order.<sup>10</sup> Even if the Board were assumed to possess this discretion, defendant argues, there is no sound reason to exercise it because the claim is one founded on a cause of action for damages. Western Union concludes that section 415(b) of the Act governs the action, and this section limits the evidentiary exploration to alleged violations starting with the date 1 year prior to the filing of the complaint.<sup>11</sup> In any event, Western Union adds, Bunker Ramo has not shown that the adduction of evidence relating to its action prior to June 1969 would be of any value to the proceeding.

8. The Common Carrier Bureau, in a statement in partial support, contends that the limitation, which apparently would apply to the section 201-203 issues in the designation order, is not required by the Act; and therefore, in the absence of modification, the scope of evidence and ultimately the relief which may be granted in this proceeding would be inappropriately limited. There is no reason, the Bureau argues, for limiting the issues—other than the one relating to damages—to a 1 year period.<sup>12</sup> Such a limitation would unduly constrict the Commission's concern with possible violations of the Act by Western Union, the Bureau reasons; moreover, it would impair Bunker Ramo's ability to prove its allegations since the time SICOM went into operation and, thus, the quality of service—prior to that time—is relevant

for purposes of comparison. Finally, the Bureau asserts, there is no rational reason for considering alleged violations occurring only up to the date of release of the designation order; this date is arbitrary and, further, should not cut off the continuing right to collect damages resulting from continuing actions.

9. The designation order herein does not include a reasoned analysis of the application of the statute of limitations. On the contrary, as suggested by Bunker Ramo and the Common Carrier Bureau, the delimiting of the issues appears somewhat inconsistent with the language in the text of the document. Thus, there is no impediment to our consideration of Bunker Ramo's allegations. See *Atlantic Broadcasting Company (WUST)*, 5 FCC 2d 717, 8 RR 2d 991 (1966); *Fidelity Radio, Inc.*, supra.

10. A complaint operates retrospectively; in other words, it brings factual allegations into dispute which relate to transactions, occurrences or events which have happened in the past. Thus, in order to supplement or update a cause of action, a complainant must file a supplemental complaint with the Commission setting forth the transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action. Any supplemental complaint which may be filed by Bunker Ramo should refer to facts which have occurred subsequent to the release date of the designation order in this proceeding.<sup>13</sup> And, moreover, in accordance with § 1.727(b) of the rules, if recovery of damages is sought as a form of relief in a supplemental complaint, then that portion of the complaint must be filed within the statute of limitations period contained in section 415 of the Act.<sup>14</sup>

11. It is axiomatic that a complainant—in a single cause of action—may seek inconsistent, alternate or multiple forms of relief to which different statutes of limitations apply; for example, the same cause of action may give rise to claims which sound both in tort and in contract. On the basis of its allegations in the instant complaint, Bunker Ramo seeks various forms of relief, only one of which is damages not based on overcharges. Bunker Ramo's right to claim damages is specifically governed by sec-

<sup>9</sup> The Commission designated this proceeding for hearing on issues which relate to facts which occurred prior to the release date of the designation order, rather than prior to the date the complaint was filed by Bunker Ramo.

<sup>10</sup> Section 1.727 of the rules reads as follows:

(a) Filing. There may be filed with the Commission a supplemental complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate back to the original cause of action.

(b) Seeking damages. If recovery of damages or overcharges is sought by supplemental, it must be filed with the Commission within the statutory period of limitations as to action contained in section 415 of the Communications Act.

tion 415(b)<sup>15</sup> of the Communications Act which operates to bar a claim for damages when such relief is not requested by a complainant within 1 year of the initial accrual of the cause of action. Section 415(b), both by its terms and as it has been construed in past proceedings,<sup>16</sup> applies exclusively as a bar to the recovery of damages; it does not operate as a bar to other forms of relief which the Commission may fashion pursuant to Issue III in the designation order.<sup>17</sup> Thus, insofar as the designation order purports to confine consideration of the issues, upon which other forms of relief may be awarded, to the section 415 time limitation, it will be modified.<sup>18</sup>

12. Bunker Ramo's contentions that it cannot be clearly determined when the section 415 statute of limitations commenced to run in this proceeding, or whether or not the actions of Western Union served to toll the statute, raise serious questions as to the proper application of the statute to its claim for damages. A statute of limitations is a statute of repose, designed to protect a potential defendant against stale and vexatious claims by ending the possibility of litigation after a reasonable period of time has elapsed. In short, it defines the time subsequent to the occurrence of a wrong after which no cause of action may be initiated. See *Riddesbarger v. Hartford Insurance Co.*, 74 U.S. 386 (1896). However, as stated in *Thornell Barnes Co. v. Illinois Bell Telephone Co.*, supra, a defendant should not be permitted to interpose the statutory time limit as a defense where his conduct is the primary reason for the tardiness of the plaintiff's action. Thus, although the statute is not discretionary, there are two basic situations in which the strict application of the statute may be altered or affected. First, a statute of limitations does not begin to run until discovery of the right or wrong or of the facts on which such knowledge is chargeable in law. Secondly, the running of the period of limitations may be suspended or tolled by various causes; for example, although mere ignorance will generally not toll the statute, active fraudulent concealment by a defendant will generally do so. As argued by Bunker Ramo, the extent to which the activities of Western Union have affected the running of the statute is unclear. The Commission has not addressed itself to this question; nor has Western Union responded to petitioner's allegations. Thus, in our opinion, the Commission will be in a better position to decide the extent to which section

<sup>15</sup> See note 5, supra, for text of section 415(b). Section 1.727 of the rules clearly differentiates between complaints specifically seeking damages and complaints seeking other forms of relief. The former, only, is subject to the section 415 time limitation.

<sup>16</sup> See note 6, supra.

<sup>17</sup> See note 3, supra.

<sup>18</sup> Contrary to the assertions of Western Union that the statute of limitations contained in section 415 of the Act is in some fashion an evidentiary rule, the statute pertains solely to the right of a party to institute and maintain a suit.

<sup>9</sup> See note 3, supra.

<sup>10</sup> Citing *Fidelity Radio, Inc.*, 1 FCC 2d 661, released September 8, 1965.

<sup>11</sup> Citing *Armstrong Utilities, Inc. v. General Telephone Co. of Pa.*, FCC 70-964, 20 RR 2d 231 (1970).

<sup>12</sup> The Bureau suggests that the Commission itself recognized this in paragraph 4 of the designation order; see note 7, supra.



415(b) is a bar to the award of damages when all the facts are fully developed in an evidentiary hearing. See *Warrensburg Cable, Inv. v. United Telephone Co. of Missouri*, supra. Consequently, the issues as modified, will not contain a time limitation for the recovery of damages.

13. With respect to petitioner's request for the addition of a section 214(a) issue, the Bureau states that "lack of geographical cohesion prevents the instant situation from being considered a 'community' within the meaning of section 214 of the Act" and that "there is no precedent for defining 'community' in terms of non-geographical groupings such as security brokers and bankers." On the other hand, Bunker Ramo cites part of the legislative history of the amendments to section 214(a) which contemplates the applicability of the amended section to a "military establishment or a war production plant." The Board now has the arguments for and against inclusion of the section 214 issue before it in greater detail, clarity and specificity than the Commission did at the time of designation. Furthermore, the Commission's very brief reference to the Section 214 question in footnote 2 of the designation order<sup>1</sup> leaves facts unevaluated, which were alleged in the complaint and which bear directly on the question of whether the issue should be included. Finally, the Bureau's statement in partial opposition to the petition to enlarge lends emphasis to the importance of a more thorough analysis than was afforded at the time of designation.

14. Bunker Ramo alleges in its complaint that the reduction or impairment of service has been most severe and concentrated in the New York City area. We can find little justification for holding that this is not a cohesive geographical area. Thus, while we need not now define the term "community, or part of a community" as used in section 214 of the Act, enough has been alleged to require a hearing on the question, whatever the ultimate outcome may be on both the factual and legal questions concerning violation of section 214. These points were not discussed in the designation order, and in the absence of a reasoned analysis as contemplated in *Atlantic Broadcasting Company (WUST)*, supra, the Board believes that it has the obligation to rule on the matter.

15. The Hearing Examiner is given the sole authority to rule upon questions of evidence during a proceeding;<sup>2</sup> Bunker Ramo's request that the Board direct the taking of certain evidence, therefore, must be summarily denied. Finally, the Board does not have the jurisdiction or authority to direct the nature or extent of the Common Carrier Bureau's participation in this proceeding; thus, petitioner's request in this connection must also be denied.

<sup>1</sup>Footnote 2 reads as follows:

We are not adopting a section 214(a) issue; complainant has not raised a material question of fact of reduction or impairment of service to a "community, or part of a community." 47 U.S.C. 214(a).

<sup>2</sup> See § 1.243 of the rules.

16. Accordingly, it is ordered, That the petition for modification and amendment of Commission Order, and for extraordinary and expedited relief, filed June 21, 1971, by Bunker Ramo Corp. is granted to the extent indicated herein, and is denied in all other respects; and

17. It is further ordered, That the issues in this proceeding are modified to read as follows:

I. Whether defendant failed to provide interstate or foreign communications service to complainant or complainant's customers upon reasonable request therefor, in violation of section 201(a) of the Act;

II. Whether defendant engaged in unjust or unreasonable practices in connection with providing interstate or foreign communications service to complainant or complainant's customers, in violation of section 201(b) of the Act.

III. Whether defendant made any unjust or unreasonable discrimination, preference, advantage, prejudice, or disadvantage in the provision of interstate or foreign communications service to complainant, complainant's customers, and to defendant's SICOM customers, in violation of section 202(a) of the Act;

IV. Whether defendant imposed any rates, classifications, or practices applicable to interstate or foreign communications service provided to complainant, complainant's customers, or to defendant's SICOM customers, in violation of section 203(b) or 203(c) of the Act;

V. Whether complainant is entitled to any monetary damages as a result of any violation of the Act that may be found under issues I through IV hereof and, if so, the amount thereof;

VI. Whether defendant has discontinued, reduced or impaired service to a community or part of a community requiring prior certification by the Commission pursuant to section 214(a) of the Act;

VII. Whether the Commission should take any further action with respect to any violation of the Act that may be found under issues I through VI hereof and, if so, the nature thereof.

Adopted: August 26, 1971.

Released: August 31, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 71-12921 Filed 9-1-71; 8:53 am]

[Dockets Nos. 18899-18900; FCC 71R-261]

### JACKSONVILLE BROADCASTING CO. AND UNIVERSITY BROADCASTING CO. ET AL.

#### Memorandum Opinion and Order Enlarging Issues

In regard application of J. Millard Lecroy, James M. Davis, Will V. Roberson and Thomas J. Roberson, doing business as Jacksonville Broadcasting Co.,

<sup>1</sup> Dissenting statement of Board Member Pincock filed as part of original document.

Jacksonville, Ala., Docket No. 18899, File No. BP-17747, James M. Lessley, George J. Lessley, and James C. Vice, doing business as University Broadcasting Co., Jacksonville, Ala., Docket No. 18900, File No. BP-17756, for construction permit.

1. The mutually-exclusive applications of Jacksonville Broadcasting Co. (Jacksonville) and University Broadcasting Co. (University), seek authority to construct a new standard broadcast station on 1090 kHz at Jacksonville, Ala. The Commission, by Memorandum Opinion and Order, FCC 70-704, 35 FR 11307, published July 15, 1970, designated these applications<sup>1</sup> for consolidated hearing on various issues, including a Suburban issue against University. The Review Board now has before it a motion to enlarge issues to include a Suburban issue against Jacksonville, filed June 1, 1971, by University.<sup>2</sup>

2. Although University's motion is untimely, the Board is of the view that it was not unreasonable for University to file its motion after the expiration of the 90-day period for filing amendments set forth in paragraph 79 of the Report and Order adopting the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971);<sup>3</sup> therefore, we will consider this motion on its merits. A consideration of the merits of the instant request supports University's allegation that Jacksonville's survey apparently fails to meet Primer standards in several significant respects. Thus, an examination of Jacksonville's survey reveals the following apparent deficiencies: (1) No showing has been made of consultations with members of the general public; (2) no listing has been made of community needs; (3) no demographic information showing the composition of its proposed community of license has been submitted; and (4) no showing has been made of what broadcast matter the applicant is proposing in order to meet the ascertained needs. The requested issue is therefore warranted and will be added.

3. Accordingly, it is ordered, That the motion to enlarge issues, filed June 1, 1971, by University Broadcasting Co. is granted; and that the issues in this proceeding are enlarged to include the following issue:

To determine the efforts made by Jacksonville Broadcasting Co. to ascertain the community needs and interests of the areas to be served and the means by which it proposes to meet those needs and interests; and

4. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof

<sup>1</sup>A third application, filed by Heart of Dixie Broadcasting Co. (File No. BP-17649), was also designated for hearing, but was later dismissed by the Hearing Examiner by Order, FCC 70M-1460, released Oct. 26, 1970.

<sup>2</sup>The Broadcast Bureau filed comments on June 16, 1971. No opposition pleading has been filed.



under the issue added herein shall be on Jacksonville Broadcasting Co.

Adopted: August 26, 1971.

Released: August 27, 1971.

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

[FR Doc.71-12922 Filed 9-1-71;8:53 am]

## STABILIZATION OF RATES AND CHARGES OF ALL COMMUNICATIONS COMMON CARRIERS

### Order Regarding Tariff Freeze

In the matter of all communications common carriers subject to the jurisdiction of the Federal Communications Commission—stabilization of rates and charges for interstate and foreign communications services.

1. The Commission has before it Executive Order No. 11615 issued August 15, 1971, providing for the stabilization of prices, rents, wages and salaries for a 90-day period. This Executive order is applicable to the rates and charges of all communications common carriers subject to the jurisdiction of this Commission providing interstate and foreign communications services. In order to implement this Executive order, which is designed to insure stabilization of the economy, the Commission finds it is essential that the rates and charges for interstate and international communications services be maintained at levels no higher than those in effect during the 30-day period ending August 14, 1971.

2. Accordingly, it is ordered, Pursuant to the authority delegated by the Commission on August 18, 1971, that common carriers subject to the jurisdiction of this Commission:

(a) May not during such 90-day period charge, demand, collect, or receive any compensation for the provision of interstate or foreign communications services greater than the highest rate or charge for any such or like communications services in effect for the 30-day period ending August 14, 1971, either by filing new tariff schedules to become effective during such 90-day period, or by allowing already effective tariffs to expire during such 90-day period;

(b) Shall promptly withdraw any tariff now on file and scheduled to be effective after August 14, 1971, which provides for a charge or rate higher than that in effect for the 30-day period ending August 14, 1971, for the same or a like service, or postpone the effective date of such tariff until after the expiration of the 90-day period specified in Executive Order No. 11615, pursuant to special permission which is hereby granted. Any tariff not so withdrawn or postponed within 5 days of the issuance of this order shall be deemed rejected and

\*During the period in which Suburban amendments could be filed pursuant to the Primer, the Board refused to entertain requests for Suburban issues. See, e.g., Star Stations of Indiana, Inc., 28 FCC 2d 488, 490, 21 RR 2d 646, 651 (1971).

the presently existing tariff provisions purported to be superseded by the rejected tariff shall be deemed reinstated; and

(c) Refund promptly to any user or customer any sums collected subsequent to August 14, 1971, in excess of those permitted by this order.

Adopted: August 20, 1971.

Released: August 20, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BERNARD STRASSBURG,  
Chief, Common Carrier Bureau.  
[FR Doc.71-12923 Filed 9-1-71;8:53 am]

## FEDERAL HOME LOAN BANK BOARD

[No. 71-866]

### ADMINISTRATIVE PROCEDURE ACT

#### Rule Making Requirement Regarding Public Property, Loans, Grants, Benefits, and Contracts

AUGUST 24, 1971.

Whereas rules and regulations issued by the Federal Home Loan Bank Board may involve a matter related to public property, loans, grants, benefits, or contracts; and

Whereas a regulation involving a matter related to public property, loans, grants, benefits, or contracts is exempt from the rule making requirements of the Administrative Procedure Act (section 553 of title 5, United States Code); and

Whereas the Federal Home Loan Bank Board has determined that such regulations may affect a wide range of persons and interests and that public participation in such rule making may be of great value:

It is hereby resolved that the Federal Home Loan Bank Board will regard the rule making requirements of the Administrative Procedure Act (subsections (b) through (e) of section 553 of title 5, United States Code) as applicable to regulations of the Board that involve a matter relating to public property, loans, grants, benefits, or contracts; and the Secretary to the Federal Home Loan Bank Board is hereby directed to publish the text of this resolution in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,  
Assistant Secretary.

[FR Doc.71-12832 Filed 9-1-71;8:45 am]

[H.C. 109]

## SOUTHERN CALIFORNIA FINANCIAL CORP.

### Notice of Receipt of Application for Approval of Acquisition of Control of Rancho Savings and Loan Association

AUGUST 27, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corpora-

tion has received an application from Southern California Financial Corp., Beverly Hills, Calif., a unitary savings and loan holding company which is a wholly owned subsidiary of City Investing Co., for approval of acquisition of control of the Rancho Savings and Loan Association, Simi, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of the stock of Rancho Savings and Loan Association. Following said acquisition, it is proposed that Rancho Savings and Loan Association be merged with Southern California Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,  
Secretary,  
Federal Home Loan Bank Board.

[FR Doc.71-12888 Filed 9-1-71;8:50 am]

## FEDERAL MARITIME COMMISSION

### GREAT LAKES UNITED KINGDOM EASTBOUND CONFERENCE

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.



## Notice of agreement filed by:

David F. Graham, Manager-Secretary, Great Lakes United Kingdom Eastbound Conference, 108 North State Street, Chicago, IL 60602.

Agreement No. 8130-6 modifies Article 11 of the basic agreement to provide that the expense of annual conference maintenance, as determined by the members or a committee established or appointed for that purpose, shall be divided among the members in a manner to be agreed upon and that bills for such expenses shall be paid promptly upon receipt thereof.

Dated: August 27, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant to the Secretary.

[FR Doc.71-12918 Filed 9-1-71;8:53 am]

**PRUDENTIAL-GRACE LINES, INC.,  
ET AL.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Prudential-Grace Lines, Inc., American Export Isbrandtsen Lines, Inc. and Lykes Bros. Steamship Co., Inc.

Notice of agreement filed by:

Mark P. Schlefer, Esq., Kominers, Fort, Schlefer & Boyer, Tower Building, 1401 K Street, NW., Washington, DC 20005.

Agreement No. 9965 is an agreement between Lykes, on the one hand, and Prudential-Grace and American Export,

on the other, whereby Lykes agrees not to oppose applications of Prudential-Grace and American Export to expand their subsidized services on Trade Route 10 between the U.S. North Atlantic and the Mediterranean to include the South Atlantic Coast of the United States and Prudential-Grace and American Export, in return, agree: (1) To exclude from their South Atlantic services inbound traffic to the State of Florida and outbound traffic from any South Atlantic port to the North Coast of Africa; and (2) not to set rates at levels intended to divert cargo originating or terminating in areas which would be naturally tributary to ports on the Gulf of Mexico. Prudential-Grace and American Export additionally agree not to oppose each other's applications.

Dated: August 27, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant to the Secretary.

[FR Doc.71-12919 Filed 9-1-71;8:53 am]

**THAILAND/U.S. ATLANTIC & GULF  
CONFERENCE ET AL.**

**Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Thailand/U.S. Atlantic and Gulf Conference and Heap Eng. Moh Steamship, Ltd.; Thal Navigation Co., Ltd.; Inter-ocean Lines (S.E.A.) Pte. Ltd.; and Straits Steamship Co., Ltd.

## Notice of agreement filed by:

S. S. Marr, Secretary, c/o The Borneo Company, Ltd., 1041 Silom Road, Bangkok, Thailand.

Agreement No. 9919 is a transshipment agreement between the above-mentioned carriers and the Conference of which the mentioned carriers are precarriers for through movement of cargo from East Coast South Thailand ports to U.S. ports on the Atlantic Coast including the Gulf of Mexico with transshipment in Singapore.

Agreement No. 9919-1 reflects a request from the mentioned carriers for an increase in their share of the through freight rate to \$833/ton of 2,240 pounds for crepe rubber or per ton of 2,500 pounds for sheet rubber.

Dated: August 26, 1971.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,  
Assistant to the Secretary.

[FR Doc.71-12917 Filed 9-1-71;8:53 am]

**FEDERAL POWER COMMISSION**

[Docket No. CS72-97, etc.]

**EL SANTO PETROLEUM CORP. ET AL.**

**Notice of Applications for "Small  
Producer" Certificates<sup>1</sup>**

AUGUST 25, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No.	Date filed	Name of applicant
CS72-97	8-2-71	El Santo Petroleum Corp., Post Office Box 1001, Amarillo, TX 79105.
CS72-98	8-4-71	Cayman Corp., Post Office Box 2099, Palos Verdes Peninsula, CA 90274.
CS72-99	8-4-71	Harry J. Parker II, 615 Alamo National Bldg., San Antonio, Tex. 78205.
CS72-100	8-2-71	Euramerica Corp., 829 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS72-101	8-2-71	Euramerica 1970-A, 829 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS72-102	8-2-71	C. Walter Dobie, Post Office Box 51682, Lafayette, LA 70501.
CS72-103	8-5-71	Robert D. Brew, 555 17th St., Denver, CO 80202.
CS72-104	8-5-71	A. M. Tolbert, c/o Powers Operating Co., 1816 Vaughn Plaza, Corpus Christi, Tex. 78401.
CS72-105	8-6-71	J. Cecil Rhodes, 822 Building of the Southwest, Midland, Tex. 79701.
CS72-106	8-6-71	High Sky Oil Co., 1000 Midland National Bank Bldg., Midland, Tex. 79701.
CS72-107	8-6-71	Burmah Oil Development, Inc., Suite 400, 1600 Canal St., New Orleans, LA 70112.
CS72-108	8-6-71	Estate of E. H. Adair, d.b.a. E. H. Adair Oil Co., 1111 Vickers Tower, Wichita, Kans. 67202.
CS72-109	8-6-71	Len Mayer, 200 Lincoln Tower Bldg., Denver, Colo. 80203.
CS72-110	8-6-71	Ford Hubbard, 2425 Pine Valley Dr., Houston, TX 77019.
CS72-111	8-9-71	Margaret Rorschach, 532 Resource Sciences Center, Tulsa, Okla. 74103.
CS72-112	8-9-71	Colonial Royalties Co., 530 Resource Sciences Center, Tulsa, Okla. 74103.
CS72-113	8-9-71	Jack L. Rorschach, 532 Resource Sciences Center, Tulsa, Okla. 74103.
CS72-114	8-9-71	Mabee Petroleum Corp., 1515 First National Bldg., Tulsa, Okla. 74103.
CS72-116	8-9-71	George R. Morse, 12445 West 97th Ter., Shawnee Mission, KS 66215.
CS72-117	8-9-71	Argonaut Petroleum Corp., 2900 Western Federal Bldg., Denver, Colo. 80202.
CS72-118	8-9-71	Steed Inc., Post Office Box 6254, Fort Worth, TX 76115.
CS72-119	8-11-71	John R. Warren d.b.a. Warren Drilling Co., Inc., 2809 Northwest Expressway, Oklahoma City, OK 73112.
CS72-120	8-11-71	Atlas Corp., 707 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS72-121	8-11-71	Forrester A. Clark, Agent, 788 The Petroleum Bldg., Tyler, Tex. 75701.

Docket No.	Date filed	Name of applicant
CS72-122	8-12-71	Robert C. Anderson, Suite 910, 3535 Northwest 88th, Oklahoma City, OK 73112.
CS72-123	8-12-71	T. E. L. Oil & Gas Corp., Post Office Box 292, Guyton, OK 73042.
CS72-124	8-12-71	Astro-Tex Oil Corp., Box 1256, Levelland, TX 79336.
CS72-125	8-12-71	Addison L. Gardner III, Field Point Park, Greenwich, CT 06830.
CS72-126	8-12-71	Frankel Oil Co., Frankel Oil & Gas Co., 840 M. Esperson Bldg., Houston, Tex. 77002.
CS72-127	8-13-71	Carl S. Ford, Post Office Box 1996, Oklahoma City, OK 73101.
CS72-128	8-13-71	Harold Kaffie, Post Office Box 1662, Corpus Christi, TX 78403.
CS72-129	8-13-71	Texas Gas Corp., Post Office Box 2806, Corpus Christi, TX 78401.

[FR Doc.71-12901 Filed 9-1-71; 8:50 am]

### NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

#### Order Designating an Additional Member

AUGUST 26, 1971.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* An additional member to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable Gene P. Morrell, Deputy Assistant Secretary (Mineral Resources), Department of the Interior.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12910 Filed 9-1-71; 8:52 am]

[Project 108]

### NORTHERN STATES POWER CO.

#### Notice of Application for New License

AUGUST 27, 1971.

Public notice is hereby given that application for a new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Co. (correspondence to: W. N. Marx, President, Eau Claire, Wis. 54701) for its constructed Wisconsin (Chippewa Reservoir) Project No. 108. The project is located on the Chippewa River in Sawyer County, Wis., near or partly within the towns of Hunter, Winter, Couderay, Hayward, Ojibwa, Radisson, and Round Lake; and partly on the Tribal Lands of the Lac Court Orielles Indian Reservation and lands of the United States. The original license expired August 7, 1971, and the project is presently operating under an annual license pursuant to section 15(a) of the Federal Power Act.

The constructed project consists of:

(1) A dam about 1,265 feet long and

about 45 feet high, comprised of a concrete gravity control section 78 feet long with three tainter gates 20 feet wide and 26 feet high, three steel vertical sliding sluice gates 7 feet wide and 10 feet high, and two earth-fill concrete core wall sections extending 217 feet on the west side and 970 feet on the east side; (2) Chippewa Reservoir which impounds 223,000 acre-feet of usable storage capacity with about 17,250 acres of water surface area at normal full pool elevation 1313 (m.s.l.); and (3) all other facilities and interests appurtenant to the operation of the project. The reservoir is solely for storage impounded primarily to regulate the flow of the Chippewa River for downstream power production. There are no generating facilities in the project.

There are presently 29 public access sites and 12 boat landings available. Thirteen islands have been designated as picnic sites and 8 as primitive campsites. Applicant plans to expand and improve one public access area and to establish five additional areas to include boat launching ramps and parking facilities. As nearly as is practicable, reservoir fluctuation is held to 3 feet in the summer months in the interests of recreation. Applicant's recreation plan was prepared in cooperation with the Wisconsin Department of Natural Resources.

The project's 205 miles of shoreline are largely undeveloped and in a relatively primitive state. The applicant plans to preserve the semiwilderness characteristics of the area as nearly as practicable.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12903 Filed 9-1-71; 8:51 am]

[Dockets Nos. RP70-5, etc.]

### SOUTHERN NATURAL GAS CO.

#### Order Prescribing Dates for Service of Evidence and Hearing

AUGUST 27, 1971.

On May 20, 1971, the Commission issued an order accepting in part and upon condition a proposal for settlement of these proceedings and, at the same time, directed the parties to indicate their acceptance or rejection of the terms



and conditions of that order. Atlanta Gas Light Co. filed an application for rehearing of the May 20, 1971, order and declined to accept the settlement proposal in these proceedings, as conditioned by our May 20, 1971 order.<sup>1</sup> Under these circumstances we find it necessary and in the public interest to order formal public hearings in these proceedings in accordance with the following schedule<sup>2</sup>:

Service of Staff and Intervenors' Evidence, November 26, 1971.  
Service of Cross-Answering Evidence by Staff and Intervenors, December 17, 1971.  
Service of Southern Natural Rebuttal Evidence, January 14, 1972.  
Commencement of Cross-Examination, January 25, 1972.

The dates fixed herein shall apply to the service of all evidence in Docket No. RP70-38. The issues of depreciation rate and conjunctive billing heretofore set for separate hearing and decision by ordering paragraph (H) of our May 20, 1971 order shall be tried in accordance with the schedule hereinabove fixed.

**The Commission finds:**

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of the proceeding be expedited in accordance with the procedures set forth below.

**The Commission orders:**

(A) The service of evidence in Docket No. RP70-38 and hearings on all issues in these proceedings shall proceed in accordance with the schedule prescribed above.

(B) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Southern Natural, or any other party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Southern Natural or any other person or party.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12904 Filed 9-1-71; 8:52 am]

[Docket No. RP72-19]

**TRUNKLINE GAS CO.**

**Notice of Proposed Changes in Rates and Charges**

AUGUST 27, 1971.

Take notice that Trunkline Gas Co. (Trunkline) on August 9, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on September 19, 1971. The proposed rate changes would in-

<sup>1</sup> Application for rehearing filed June 21, 1971, and renewed in letter filed Aug. 16, 1971.

<sup>2</sup> Inasmuch as the evidence of all parties has been served in the proceedings at Dockets Nos. RP70-5, RP70-16, and RP71-4, the service dates hereinabove fixed shall apply to the service of evidence in Docket No. RP70-38.

crease charges for jurisdictional sales by approximately \$4,636,871 annually based on sales volumes for the 12-month period ended May 31, 1971. The proposed increase would be applicable to all of Trunkline's jurisdictional rate schedules.

Trunkline states that the reason and basis for the proposed increase is to reflect the increases in its cost of purchased gas resulting from producer rate filings made pursuant to Commission Opinion No. 598, issued July 16, 1971 in Docket Nos. AR61-2 et al. and AR69-1.

Copies of the proposed tariff changes were served on all of Trunkline'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 September 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Any order or orders issued in these proceedings will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12905 Filed 9-1-71; 8:52 am]

[Dockets Nos. RP 72-23-RP 72-24]

**TRUNKLINE GAS CO.**

**Notice of Proposed Changes in Rates and Charges and of Petition for Permission to use Liberalized Depreciation With Normalization for Accounting and Rate Purposes**

AUGUST 26, 1971.

Take notice that on August 17, 1971, Trunkline Gas Co. (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on September 17, 1971. The proposed rate changes would increase charges for all jurisdictional sales and services by \$36,235,189 annually, based upon sales for the twelve-month period ended May 31, 1971, as adjusted.

In addition to increases in rate levels, the tendered tariff sheets also include: (i) A modification in rate design whereby the commodity portion of each two-part rate is separated into "capacity" and "gas supply" components; (ii) a provision to adjust such capacity components

in relation to variations of monthly sales from a base load factor; and (iii) a purchased gas adjustment clause.

Trunkline states that the reasons and bases for the proposed rate increases are increases in cost of capital, Federal, and State income and other taxes, purchased gas costs, cost of labor, materials, supplies and services. Trunkline also reflects in the proposed rates a projected 10 million Mcf annual reduction in sales and an increase in depreciation expense both of which the company relates to declining gas reserves.

In its petition filed August 17, 1971, (Docket No. RP72-24) Trunkline states that it has elected to use liberalized depreciation with normalization on its post-1969 properties, pursuant to the Tax Reform Act of 1969, and it requests authorization to use liberalized depreciation with normalization for accounting and rate purposes on all eligible pre-1970 properties effective at the same time its proposed increased rates become effective in Docket No. RP72-23.

Any order or orders issued in these proceedings will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

Copies of the proposed tariff changes and petition were served on all of Trunkline's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before September 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12906 Filed 9-1-71; 8:52 am]

[Docket No. E-7635]

**UPPER PENINSULA POWER CO.**

**Notice of Extension of Time and Postponement of Prehearing Conference**

AUGUST 27, 1971.

On August 16, 1971, Upper Peninsula Power Co. filed a motion for an extension of time within which to file its case-in-chief evidence, and for a postponement of the prehearing conference, pursuant



to the order issued July 22, 1971, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including September 17, 1971, within which Upper Peninsula Power Co. shall file with the Commission and serve on all parties its case-in-chief evidence in the above-designated matter; the pre-hearing conference is postponed to September 28, 1971.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-12911 Filed 9-1-71;8:52 am]

## FEDERAL RESERVE SYSTEM

### ALAMO BANCSHARES, INC.

#### Order Approving Action To Become a Bank Holding Company

In the matter of the application of Alamo Bancshares, Inc., San Antonio, Tex., for approval of action to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Alamo National Bank of San Antonio, San Antonio, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Alamo Bancshares, Inc., San Antonio, Tex., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Alamo National Bank of San Antonio (Bank), San Antonio, Tex.

The bank into which Bank is to be merged has no significance except as a vehicle for the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated as a proposed acquisition of the shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller offered no objection to approval of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 13, 1971 (36 F.R. 13066), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on

competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank as a subsidiary. Bank with approximately \$169 million of deposits holds 11 percent of commercial bank deposits in the San Antonio market and is the third largest banking organization in that market, which is approximated by the San Antonio SMSA. As Applicant has no present operations or subsidiaries, consummation of this proposal would eliminate neither existing nor potential competition nor does it appear that there would be any adverse effects on any bank in the market area.

The financial and managerial resources and future prospects of Bank are regarded as satisfactory and consistent with approval as would be those of applicant upon acquisition of Bank. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved, but should enable applicants to respond to the increasing needs of the growing San Antonio market by offering new and expanded services in banking and bank-related activities. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,  
August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.

[FR Doc.71-12849 Filed 9-1-71;8:47 am]

### BARNETT BANKS OF FLORIDA, INC.

#### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett Banks of Florida, Inc., Jacksonville, Fla., for approval of the acquisition of 80 percent or more of the voting shares of Central Bank in Fort Lauderdale, Fort Lauderdale, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett Banks of Florida, Inc. (Applicant), Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Central Bank in Fort Lauderdale (Bank), Fort Lauderdale, Fla.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on June 26, 1971 (36 F.R. 12191), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of Applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 26 banks which hold aggregate deposits of \$785 million, representing 5.6 percent of total commercial bank deposits held by Florida's banks, and is the State's third largest banking organization. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved by the Board through July 31, 1971.) Applicant's acquisition of Bank, with deposits of approximately \$13 million, would not represent a significant increase in Applicant's share of total deposits in the State.

The area served by Bank has an estimated population of 152,000 and is comprised of the city of Fort Lauderdale and a small adjacent area west of the city. Bank, as the second smallest of the 19 area banks, controls only 1.7 percent of the total deposits of over \$751 million in the area. Bank's sole office is located within a few blocks of three large banks in downtown Fort Lauderdale that have combined deposits of over \$384 million, representing 51 percent of total deposits in the area. No significant competition exists between any of Applicant's group of banks and Bank. Applicant's subsidiary closest to Bank is located 11 miles south of Fort Lauderdale in Hollywood, Fla. In the intervening area, there are six banks, an airport complex, and a large sparsely settled region. It appears that acquisition of Bank by Applicant would not eliminate meaningful existing competition, nor foreclose any significant amount of potential competition. Such acquisition may have procompetitive effects in the Fort Lauderdale area by strengthening Bank's ability to compete with the larger banking organizations operating therein.

<sup>1</sup> Voting for this action: Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Robertson and Diane.



Based upon the record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effect on competition in any relevant area. The financial condition and management of Applicant and its present subsidiaries appear to be generally satisfactory and prospects for the group seem favorable. The financial condition and management of Bank are regarded as satisfactory, and Bank's future prospects should be enhanced by its affiliation with Applicant. Applicant proposes to assist Bank in improving its operations in lending, investments, and auditing, and also to furnish personnel and provide Bank with additional capital. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,  
August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.

[FR Doc.71-12850 Filed 9-1-71;8:47 am]

**FIRST SOUTHWEST  
BANCORPORATION, INC.**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Southwest Bancorporation, Inc., which is a bank holding company located in Waco, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by reorganization to Bellmead State Bank, Bellmead, Tex.

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

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

<sup>1</sup> Voting for this action: Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Robertson and Daane.

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

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

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.

[FR Doc.71-12854 Filed 9-1-71;8:47 am]

**FIRST SOUTHWEST  
BANCORPORATION, INC.**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Southwest Bancorporation, Inc., which is a bank holding company located in Waco, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by reorganization to the East Texas Bank & Trust Co., Longview, Tex.

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

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

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

Section 3(c) further provides that, in every case, the Board shall take into

consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.

[FR Doc.71-12856 Filed 9-1-71;8:48 am]

**FIRST SOUTHWEST  
BANCORPORATION, INC.**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Southwest Bancorporation, Inc., which is a bank holding company located in Waco, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by reorganization to the First Bank and Trust of Richardson, Richardson, Tex.

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

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

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

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

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



Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-12855 Filed 9-1-71;8:47 am]

**FIRST SOUTHWEST  
BANCORPORATION, INC.**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Southwest Bancorporation, Inc., which is a bank holding company located in Waco, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Kilgore National Bank of Kilgore, Tex.

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

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

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

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

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-12853 Filed 9-1-71;8:47 am]

**FIRST SOUTHWEST  
BANCORPORATION, INC.**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Southwest Bancorporation, Inc., which is a bank holding company located in Waco, Tex., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Sabine National Bank of Port Arthur, Port Arthur, Tex.

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

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

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

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

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Dallas.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-12852 Filed 9-1-71;8:47 am]

**FLORIDA NATIONAL BANKS OF  
FLORIDA**

**Notice of Application for Approval of  
Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Florida National Banks of Florida, which

is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of Ormond Beach First National Bank, Ormond Beach, Fla.

Applicant's banks were controlled by the duPont Trust which was required by the 1966 amendments to the Act to divest either its banking or its nonbanking assets by July 1, 1971. The Board has under review the Trust's contention that it is not a bank holding company with respect to banks controlled by applicant. Processing of the present application is not intended to reflect acquiescence by the Board in the Trust's contention.

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

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

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

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

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Board of Governors of the Federal Reserve System, August 26, 1971.

[SEAL] TYNAN SMITH,  
Secretary.  
[FR Doc.71-12848 Filed 9-1-71;8:47 am]

**MERCANTILE BANKSHARES CORP.**

**Order Approving Acquisition of Bank  
Stock by Bank Holding Company**

In the matter of the application of Mercantile Bankshares Corp., Baltimore, Md., for approval of acquisition of 80 percent or more of the voting shares of The Chestertown Bank of Maryland, Chestertown, Md.

There has come before the Board of Governors, pursuant to section 3(a) (3)



of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mercantile Bankshares Corp. (Applicant), Baltimore, Md., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Chestertown Bank of Maryland (Bank), Chestertown, Md.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on July 10, 1971 (36 F.R.13004), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the sixth largest banking organization in Maryland, controls four banks which hold combined deposits of approximately \$266 million, representing 4.9 percent of the total commercial bank deposits held by Maryland banks. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions through July 31, 1971.) Upon acquisition of The Chestertown Bank of Maryland (\$16 million deposits), Applicant would increase its share of deposits in the State by only 0.3 percentage points, representing no significant increase in Applicant's control of deposits in the State, or change in its present ranking.

Bank operates its main office in Chestertown and a branch 16 miles northeast in the town of Galena, both of which are located in Kent County. A second branch is located in the community of Church Hill, in Queen Annes County, 9 miles southeast of the main office. In the northern one-half of Queen Annes County and all of Kent County (Bank's relevant market), Bank holds the largest amount, or 28.4 percent, of deposits; however, there are seven banking organizations competing in said market, including the largest and the fifth largest banking organization in the State. Applicant's subsidiary office closest to Bank is located 40 miles away via a toll bridge across the Chesapeake Bay, and apparently no significant present competition exists between Bank and this office,

or any of Applicant's other offices. It does not appear that consummation of this proposal would foreclose significant potential competition in the light of the facts of record, notably, the distances involved and the unlikelihood that Applicant would enter Bank's market de novo. Consummation of Applicant's proposed acquisition would represent the third entry of a statewide banking organization into the area, and it does not appear that any of the competing banks would be adversely affected thereby.

Based upon the foregoing, and the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market. The banking factors, as they relate to Applicant, its subsidiaries, and Bank, and considerations relating to the convenience and needs of the communities to be served, are regarded as consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons summarized above, that said application be and hereby is approved; *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>1</sup>  
August 26, 1971.

[SEAL]

TYNAN SMITH,  
Secretary.

[FR Doc.71-12851 Filed 9-1-71; 8:47 am]

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-9315]

### PROPOSED NATIONAL SYSTEM OF SECURITIES EXCHANGES

#### Notice of Hearing

The Securities and Exchange Commission today announced that it will hold a public investigatory hearing pursuant to section 21(a) of the Exchange Act at 10 a.m., October 12, 1971, at the Commission's headquarters, 500 North Capitol Street N.W., Washington, DC 20549. This hearing will receive testimony and relevant data concerning the following matters:

(1) The desirability, structure, and means of developing a national system

<sup>1</sup> Voting for this action: Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Robertson and Deane.

of securities exchanges and the relationship of such a system to other securities markets.

(2) So-called "institutional membership" on exchanges including (i) exchange membership by financial institutions (such as insurance companies, trust companies, foundations, investment companies and pension funds); (ii) exchange membership by affiliates of financial institutions such as their investment advisers, managers, parents, subsidiaries, or other affiliates, who may utilize such memberships either to execute portfolio transactions for an institutional affiliate or in one way or another to facilitate the recapture of commissions by an institution or to conduct a general securities business as an exchange member, or any combination of the foregoing; (iii) exchange membership by other organizations whose primary business may not be that of a broker or dealer or their affiliates; (iv) whether and the conditions under which any of the foregoing persons should be permitted to engage in the business of a broker or dealer in securities (aside from acting as underwriters for the shares of one or more investment companies);

(3) Restrictions on access of nonmembers to exchange markets and of exchange members to the third market;

(4) The reasons for differing regulation of securities markets and the kind of additional or modified regulation, if any, which may be needed;

(5) The need for additional disclosure of information on prices, volume and quotations in all markets, and the nature thereof through a composite tape or otherwise; and

(6) Competition among exchanges and between exchanges and other markets.

The facts to be adduced at the hearings with respect to the above matters would also be relevant to an understanding of the development of short-term and long-term changes in the structure of the securities markets and to the appropriate regulatory response thereto.

The Commission invites all interested persons to submit their views by means of written submissions for inclusion in the record. Interested persons may also appear at the hearings. Such persons should promptly notify the Office of the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-1160 of their desire to appear. They should file as promptly as possible with the hearing officer a brief description in the form of an offer of proof of the scope of the evidence to be presented. The hearing officer, however, is authorized to limit presentations to written submissions whenever he deems that oral testimony would unduly delay the proceedings.

[SEAL]

THEODORE L. HUMES,  
Associate Secretary.

AUGUST 26, 1971.

[FR Doc.71-12840 Filed 9-1-71; 8:46 am]



[File Nos. 7-3814-7-3816]

**AETNA LIFE AND CASUALTY CO.  
ET AL.****Notice of Applications for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing**

August 23, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	<i>File No.</i>
Aetna Life and Casualty Co.....	7-3814
Duke Power Co.....	7-3815
Northwest Airlines, Inc.....	7-3816

Upon receipt of a request, on or before September 7, 1971 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] **RONALD F. HUNT,**  
*Acting Associate Secretary.*

[FR Doc.71-12842 Filed 9-1-71;8:46 am]

[File No. 1-3421]

**CONTINENTAL VENDING MACHINE  
CORP.****Order Suspending Trading**

August 27, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to section 15

(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 29, 1971, through September 7, 1971.

By the Commission.

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

[FR Doc.71-12838 Filed 9-1-71;8:46 am]

[File No. 1-4847]

**ECOLOGICAL SCIENCE CORP.****Order Suspending Trading**

August 26, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. 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 security on such exchanges 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 exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 27, 1971, through September 5, 1971.

By the Commission.

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

[FR Doc.71-12847 Filed 9-1-71;8:47 am]

[File No. 7-3817]

**EQUITY FUNDING CORP. OF  
AMERICA****Notice of Application for Unlisted  
Trading Privileges and of Oppor-  
tunity for Hearing**

August 23, 1971.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Equity Funding Corp. of America, Warrants (expiring Dec. 1, 1975), File No. 7-3817.

Upon receipt of a request, on or before September 7, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] **RONALD F. HUNT,**  
*Acting Associate Secretary.*

[FR Doc.71-12843 Filed 9-1-71;8:46 am]

[70-5064]

**GPU SERVICE CORP. AND GENERAL  
PUBLIC UTILITIES CORP.****Notice of Proposed Issue and Sale of  
Notes to Banks**

August 26, 1971.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, NY 10005, a registered holding company, and its newly-organized subsidiary service company, GPU Service Corp. (Service Company), have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12 of the Act 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.

It is proposed that Service Company, from time to time but not later than June 30, 1973, issue and sell its unsecured promissory notes maturing June 30, 1973, to a group of not more than eight commercial banks in the Reading, Pa., area up to \$8,800,000 outstanding at any one time and that GPU guarantee the payment of principal and interest on such borrowings by Service Company. Each such borrowing will bear interest at the prime interest rate (presently 6 percent per annum) for corporate borrowings generally in effect in the Reading, Pa., area and will be prepayable in part or in whole by Service Company at any time without premium. It is stated that, although no commitments have been made, it is presently anticipated that the following banks will participate in the loans up to the following maximum amounts:



National Central Bank, Reading, Pa. ....	\$5,000,000
American Bank and Trust Co. of Pa., Reading, Pa. ....	4,000,000
Bank of Pennsylvania, Reading, Pa. ....	1,500,000
National Bank of Boyertown, Pa. ....	300,000
The Farmers National Bank of Ephrata, Pa. ....	100,000
The First National Bank of Leesport, Pa. ....	100,000
The Hamburg Savings & Trust Co., Hamburg, Pa. ....	100,000
The Kutztown National Bank, Kutztown, Pa. ....	100,000

It is contemplated that the banks from which such borrowing will be made will not require compensating balances with respect to the lines of credit provided by them for the subject loan, but will require compensating balances equal to 20 percent of amounts actually borrowed. Service Company computes its effective rate of interest at 7.5 percent per annum based on the current prime rate of 6 percent and assuming compensating balances equal to 20 percent of the amounts actually borrowed. There are no commitment fees or closing costs required.

Service Company proposes to use the proceeds of the subject borrowings to finance the construction and partially equip a building which it intends to erect on a tract of approximately 20½ acres at the Reading Municipal Airport, Reading, Pa. Such building would be used as the headquarters office for Service Company personnel. It is currently estimated that the construction of the building will require 1½-2 years to complete and that it will cost approximately \$8,200,000. The declaration states that the amount of the borrowing authority proposed herein makes provision for the possibility of cost over-runs. Service Company anticipates that it will seek long-term debt financing to replace the proposed construction loan financing at or about the time of completion of the proposed building.

It is stated that estimated expenses (including legal fees) of Service Company and GPU in connection with the proposed transactions will be approximately \$4,000 and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further

amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

THEODORE L. HUMES,  
Associate Secretary.

[FR Doc.71-12845 Filed 9-1-71;8:46 am]

[File No. 500-1]

### INTERNATIONAL SHELTERS, INC.

#### Order Suspending Trading

AUGUST 26, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of International Shelters, Inc., a Texas corporation, and all other securities of International Shelters, 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 by summarily suspended, this order to be effective for the period August 26, 1971, 3:30 p.m., e.d.t., through September 4, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,  
Associate Secretary.

[FR Doc.71-12844 Filed 9-1-71;8:46 am]

[812-2932, 811-1923]

### MAVERICK FUND, INC.

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

AUGUST 27, 1971.

Notice is hereby given that Maverick Fund, Inc. (Applicant), 283 South Union Street, Burlington, VT, a Massachusetts corporation registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was organized under the corporate name of New Maverick Fund, Inc., on August 5, 1969, by Maverick Fund, Inc. (Old Maverick), a Delaware corporation which was primarily engaged in the business of a private investment company. On August 8, 1969, Old Maverick was merged into Applicant and its corporate name was assumed by Applicant. Applicant represents that following the merger with Old Maverick, it proposed to make a public offering of its securities and to engage in investment company activities. In this connection, Applicant registered as an investment company under the Act and registered its securities under the Securities Act of 1933. The application states that Applicant has determined not to proceed with its proposed activities and that its request for withdrawal of its registration statement under the Securities Act of 1933 was granted by the Commission on April 20, 1971. The application further states that Applicant no longer proposes to make a public offering of its securities.

Applicant represents that it has never made a public offering of its securities. Applicant further represents that Old Maverick sold an aggregate of 28,491 shares to 10 shareholders in a nonpublic offering and one share of Applicant was sold at the time of Applicant's organization. Of the 28,492 shares of Applicant outstanding from and after the merger with Old Maverick, an aggregate of 4,135 such shares have, at various times, been redeemed at net asset value by three individual shareholders and the only securities Applicant presently has outstanding are 24,357 shares held by seven shareholders. As of June 22, 1971, Applicant had net assets in the amount of \$243,643, consisting principally of portfolio securities and cash. Applicant represents that it has a total of 61 beneficial holders of its shares. Forty-nine of these beneficial holders are shareholders of a corporation which held approximately 70 percent of the outstanding securities of Old Maverick and presently holds approximately 82 percent of the outstanding securities of Applicant. The application states that on the basis of the corporation's audited financial statements for its fiscal years ending December 31, 1968, 1969, and 1970, its investment in the securities of Old Maverick and Applicant were, at such dates, less than one-half of 1 percent of its consolidated gross assets. In addition, the application states that at no time to the present has that corporation's investments in Old Maverick and Applicant constituted more than 1 percent of its consolidated gross assets.

Section 3(c) (1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so



declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 16, 1971, submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] THEODORE L. HUMES,  
Associate Secretary.

[FR Doc.71-12839 Filed 9-1-71;8:46 am]

[Files Nos. 7-3818-7-3821]

**MICROWAVE ASSOCIATES, INC.,  
ET AL.**

**Notice of Applications for Unlisted  
Trading Privileges and of Opportunity for Hearing**

AUGUST 23, 1971.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Microwave Associates, Inc.	7-3818
National Homes Corp.	7-3819
New Park Mining Co.	7-3820
Robins, A. H. Co., Inc.	7-3821

Upon receipt of a request, on or before September 7, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,  
Acting Associate Secretary.

[FR Doc.71-12841 Filed 9-1-71;8:46 am]

[70-5067]

**NATIONAL FUEL GAS CO. ET AL.**

**Notice of Proposed Transactions Related to Merger of Subsidiary Companies**

AUGUST 26, 1971.

Notice is hereby given that National Fuel Gas Co. (National), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and two of its subsidiary companies, Iroquois Gas Corp. (Iroquois), 10 Lafayette Square, Buffalo, NY 14203, and Producers Gas Co. (Producers), 10 Lafayette Square, Buffalo, NY 14203, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 9(a), 11(e), and 12(c) and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National, a corporation organized and existing under the laws of the State of New Jersey, owns, except for short-term notes, all of the outstanding securities of its four public utility subsidiary companies, which distribute natural and mixed gas at retail to about 640,000 customers. National proposes to merge two of its wholly owned subsidiary companies, Iroquois and Producers; Iroquois is to be the surviving corporation. The 48,000 shares, \$10 par value, of outstanding capital stock of Producers will be canceled, and an additional 4,800 shares, \$100 par value, of Iroquois stock will be issued to National.

Iroquois distributes gas at retail to about 430,000 customers in western New

York, while Producers serves about 5,000 customers in Allegany and Cattaraugus Counties, N.Y. The service area of Iroquois surrounds that of Producers on the north, east, and west.

Pursuant to an order of this Commission (Holding Company Act Release No. 16527), National acquired all the Producers stock with the express intention of eventually merging Iroquois and Producers. It is represented that the merger is merely a matter of achieving a simpler corporate structure and achieving operating economics. For the period immediately following the merger, Producers' current rates for gas service will remain in effect as separate service classifications applicable to their customers alone. Subsequent rate changes will be subject to the approval of the New York Public Service Commission. The assets and liabilities of Producers, including the common stock equity accounts, will be entered on the books of Iroquois exactly as they stand on the books of Producers at the time when the merger becomes effective, except that all intercompany items will be eliminated.

It is stated that the New York Public Service Commission has jurisdiction over the proposed merger, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than September 23, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.



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

[SEAL]

THEODORE L. HUMES,  
Associate Secretary.

[FR Doc. 71-12846 Filed 9-1-71; 8:47 am]

## TARIFF COMMISSION

[TEA-F-30]

WOLLENSAK, INC.

### Petition for Determination of Eligibility to Apply for Adjustment Assistance; Notice of Investigation

*Investigation instituted.* Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed by Wollensak, Inc., Rochester, N.Y., the U.S. Tariff Commission, on August 27, 1971, instituted an investigation under section 301(c)(1) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with optical elements, whether mounted or not mounted, and blanks for optical-elements (of the kinds described in items 708.03 through 708.29 and items 540.65 and 540.67), all produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause serious injury to such firm.

The petitioner has 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.

*Inspection of petition.* 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: August 30, 1971.

By order of the Commission.

[SEAL]

KENNETH R. MASON,  
Secretary.

[FR Doc. 71-12880 Filed 9-1-71; 8:50 am]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;  
Temporary Reg. F-118]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the

executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (Docket No. U-1345) involving the application of the Arizona Public Service Co. for review of its electric plant facilities and electric revenues.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,  
Acting Administrator  
of General Services.

AUGUST 26, 1971.

[FR Doc. 71-12891 Filed 9-1-71; 8:51 am]



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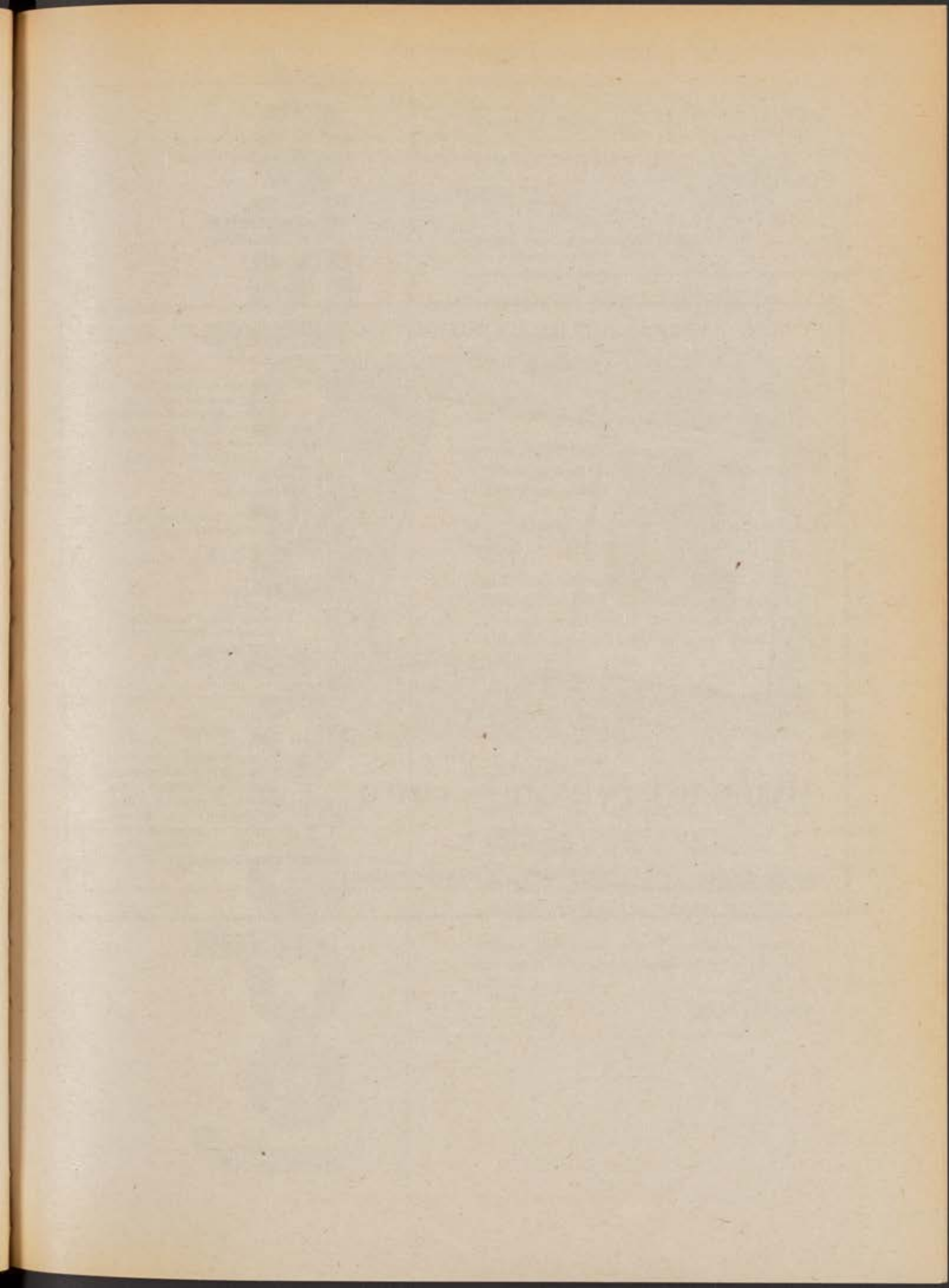
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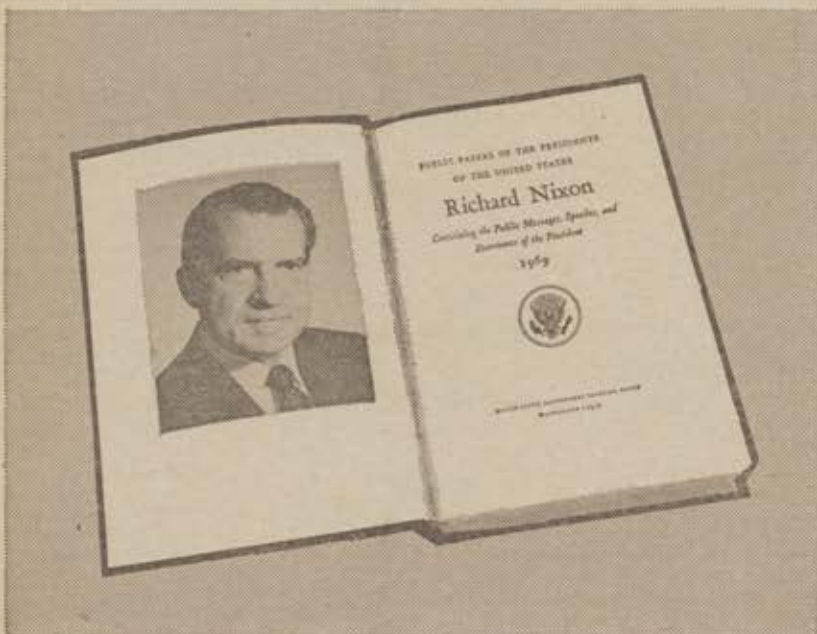
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