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PART I

(Part II begins on page 18279)

HIGHLIGHTS OF THIS ISSUE

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

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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.

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 5]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

State Matching of Funds

On August 4, 1971, amendments to the regulations governing the National School Lunch Program regarding State matching requirements were published in the FEDERAL REGISTER (36 F.R. 14301), following the publication of proposed rule-making (36 F.R. 7603). This statement summarizes the comments and suggestions received on the proposed regulations from interested persons and organizations, and describes the principal changes which were made in the final regulations. Responses to the proposed regulations were received from a total of 41 individuals and organizations. 1. Paragraph (a) of § 210.6 requires that the amount of general cash-for-food assistance (section 4, National School Lunch Act) to be matched by the State shall be the net amount of such funds taking into consideration any funds transferred into the State's general cash-for-food assistance account and any funds transferred out of such account under the authority of section 10 of the Child Nutrition Act of 1966, as amended.

Twenty-one respondents recommended that the required State matching of Federal section 4 funds apply only to the amount of section 4 funds initially apportioned to the States. This suggestion was not accepted because we concluded that the matching provisions in section 4 of the National School Lunch Act relates to Federal funds expended for section 4 purposes.

2. In response to comments from 14 individuals, paragraphs (c) and (e) of the proposed version (which were respectively relettered paragraphs (e) and (d) in the final version) were revised to clarify several misunderstandings as to: (1) The types of State revenues considered eligible to be counted in meeting the applicable percentage of the matching requirements prescribed in paragraph (b), and (2) the manner in which such funds can be disbursed.

3. Paragraphs (f) through (i), inclusive, in the proposed version were relettered (g) through (j), respectively, in the final version to provide for a new paragraph (f) which sets forth the accountability responsibility of the State educational agency of all State revenues counted in meeting the applicable percentage of the matching requirement prescribed in paragraph (b).

4. In response to nine comments received on the 45-day reporting period on full matching requirements, paragraph (g)(4) of § 210.14 was revised to permit the States to submit their reports within 90 days after the end of the fiscal year.

Dated: September 3, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-13297 Filed 9-8-71;8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

Civil Penalties

Correction

In F.R. Doc. 71-12491 appearing at page 16894 in the issue of Thursday, August 26, 1971, the word "comprise" appearing in the second line of § 2.205(g) should read "compromise".

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Exemptions and Payment of Fees

On March 16, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 4978) a notice of rule making which amended § 170.12(c) of 10 CFR Part 170 to extend the due date for payment of license fees to sixty (60) days after the effective date of the amendments to Part 170 published on January 6, 1971. The notice also provided that under certain circumstances the applicable fee would be waived, or would be assessed in an amount applicable to the license as amended.

Since the Commission has continued to receive a number of applications for licensing actions which, if granted, would affect liability for or the amount of license fees, the Commission has amended § 170.12(c) to extend the license fee due date for the fee period February 5, 1971–February 5, 1972, to October 15, 1971. If an application is filed on or before October 15, 1971, to cancel a license, the Commission will waive the applicable fee upon cancellation of the license. If an application is filed on or before October 15, 1971, to amend a license and the Commission acts favorably upon the application, the fee will be assessed in the amount applicable to the license as amended.

Section 170.41 of Part 170 provides that where the Commission finds that a licensee has failed to pay the applicable annual fee, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of its regulations in Parts 30, 40, 50, 70, and 170, and of the Atomic Energy Act, as amended.

Paragraph 170.11(b) provides that "the Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest." This section has been amended to set forth examples of licensed activities that would be favorably considered by the Commission for exemption from license fees.

Because these amendments relate solely to clarification and minor procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedure thereon as unnecessary. Since the amendment relieves from restrictions under regulations currently in effect, it will become effective without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 551 and 552 of title V of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER (9-10-71):

1. Paragraph (b) of § 170.11 is amended to read as follows:

§ 170.11 Exemptions.

* * * * *

(b) (1) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest. (2) Applications for exemption under this paragraph may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections. (3) The Commission may consider waiver of fee for any licensee who possessed licensed material on February 5, 1971, if an application is filed on or before October 15, 1971, to dispose of the licensed material or items containing licensed material by February 5, 1972. Such an application shall describe the licensed material then on hand. If a waiver is granted pursuant to this subparagraph, the Commission will amend the license to prohibit the acquisition of additional radioactive material in the interim.

2. Paragraph (c) of § 170.12 is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(c) Annual fees. All licenses outstanding on February 5, 1971, are subject to payment of the annual fees prescribed by this Part 170, as amended, on or before October 15, 1971, and annually on February 5 thereafter: *Provided, however*, That, in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable one (1) year from the due date of the last fee payment and annually thereafter.

* * * * *

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Washington, D.C., this 7th day of September 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-13391 Filed 9-9-71;8:54 am]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Preparedness

PART 1710—FEDERAL DISASTER ASSISTANCE

Projects Under Construction

1. Section 1710.17 is amended to read as follows:

§ 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility, which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its constractors and determined to be eligible by the Regional Director in:

(i) Restoring a public facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence.

Effective date. This amendment shall be effective as of December 31, 1970.

Dated: August 30, 1971.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.71-13276 Filed 9-9-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans' Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. In § 8-1.108-1, a new paragraph (c) is added and former paragraph (c) is designated (d) so that the added and redesignated material reads as follows:

§ 8-1.108-1 Authority.

* * * * *

(c) Authority to deviate from, add to, delete from or alter any of the Special Provisions of VA Form 08-6279, except as provided in the Instructions for Use, will be secured from the Assistant Administrator for Construction. Each such request will be fully justified and no action shall be taken by the requester until such approval is received.

(d) Authority to deviate from the FPR in classes of cases will normally be obtained in advance from General Services Administration. Where, in the judgment of the Director, Supply Service, circumstances preclude joint consideration with General Services Administration, he may recommend to the Deputy Administrator that authority be granted for such deviation, pending joint consideration at a later date. Normally, classes of cases requiring special treatment will be handled as revisions of this Chapter 8.

PART 8-7—CONTRACT CLAUSES

2. Subpart 8-7.50, *Architect-Engineer Contracts*, is revoked.

PART 8-16—PROCUREMENT FORMS

3. In Part 8-16, a new Subpart 8-16.7 is added to read as follows:

Subpart 8-16.7—Forms for Negotiated Architect-Engineer Contracts

§ 8-16.703 Terms, conditions, and provisions.

(a) In addition to the General Provisions set forth in Standard Form 253, contracting officers at both the Central Office and field station level will review, be guided by, and include in all negotiated architect-engineer contracts the mandatory, and where necessary, authorized revisions set forth in VA Form 08-6279.

(b) Additions, deletions, alterations to or deviations from the Special Provisions, except as authorized in the Instructions for Use, will not be made without the prior written approval of the Assistant Administrator for Construction. The approval, when given, will be made a part of the contract file.

(Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective October 1, 1971.

Approved: September 3, 1971.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-13301 Filed 9-9-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

cis-N[(1,1,2,2-Tetrachloroethyl)thio]-4-Cyclohexene-1,2-Dicarboximide

A petition (PP 0F0895) was filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide *cis-N*[(1,1,2,2-tetrachloroethyl)thio] - 4 - cyclohexene - 1,2 - dicarboximide in or on the raw agricultural commodities apples at 20 parts per million; potatoes at 1 part per million; and almonds, macadamia nuts, and pineapples at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance for almonds and changing the proposed tolerances from 20 to 0.25 part per million on apples and from 1 to 0.5 part per million on potatoes.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

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

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

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.267 is amended by revising the paragraphs "0.5 part per million * * *" and "0.1 part per million * * *" and by inserting a new paragraph "0.25 part per million * * *" between these revised paragraphs, as follows:

§ 420.267 *cis-N-*[(1,1,2,2-Tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide; tolerances for residues.

* * * * *

0.5 part per million in or on citrus fruits and potatoes.

0.25 part per million in or on apples.

0.1 part per million (negligible residue) in or on macadamia nuts, onions, and pineapples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-10-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 3, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-13315 Filed 9-9-71;8:50 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Chlorate

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 6, 1971 (36 F.R. 8455) proposing to revise § 420.1020 by extending the usefulness of sodium chlorate as a defoliant and desiccant to include its use as a fungicide in cotton production. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 420.1020 is revised to read as follows:

§ 420.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide in cotton production.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (9-10-71).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: September 3, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-13316 Filed 9-9-71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

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

[Dockets Nos. R-71-103, R-71-116]

NATIONAL FLOOD INSURANCE PROGRAM

SEPTEMBER 3, 1971.

Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127, 82 Stat. 572, as amended by sections 408-410 of Public Law 91-152, 83 Stat. 396-397) and delegation of authority by the Secretary of Housing and Urban Development (34 F.R. 2680, Feb. 27, 1969), the Federal Insurance Administrator published in the FEDERAL REGISTER notices of proposed rule making in which he proposed to issue regulations pertaining to land management and use in mudslide-prone areas (35 F.R. 19684, Dec. 29, 1970), to the circumstances in which low-income persons are exempt from restrictions against the nonduplication of Federal disaster benefits (36 F.R. 8453, May 6, 1971), and to land management and use in flood-prone areas (36 F.R. 11109, June 9, 1971).

Interested persons were invited to submit comments on all of the proposed rules for a period of at least 30 days after their initial publication. Comments were received from members of Congress, Federal and State agencies, local governments, public interest groups, and individuals. All comments and suggestions have been taken into consideration in the preparation of the final regulations which are hereby adopted.

The principal purpose of these regulations is to prescribe the minimum requirements for adequate land use and control measures for flood-prone and mudslide-prone areas that a community must adopt, based upon the amount of relevant technical data available to it, in order to obtain or to retain flood insurance (which includes coverage against mudslides) eligibility after December 31, 1971.

The format of the regulations differs from the versions originally proposed because of the decision to clarify existing flood insurance program regulations and to incorporate all past and present revisions into a single document. Thus, many editorial changes have been made which do not affect the substance of the previous regulations. Principal changes in the adopted regulations from those previously proposed are as follows:

In § 1909.1 some definitions were changed to treat mudslides separately from floods, and other definitions were added or modified for clarity. A description of the flood insurance program has been added to Part 1909, and Subpart B of Part 1910, dealing with community eligibility, has been transferred to Part 1909, and editorially revised. A new § 1909.24 has been added to clarify the manner in which suspensions of flood insurance eligibility will be handled for communities that automatically lose their eligibility under the requirements of the Act.

Since the comments revealed that some communities may not be able to comply with all of the proposed land use criteria, especially the 100-year flood standard, Subpart A of Part 1910, in addition to prescribing minimum land use criteria, specifically provides in § 1910.5 for a community to adopt land use and control measures not fully consistent with the requirements of that subpart, provided that it submits an explanation of the measures which do not comply with such requirements and the reasons for its proposed non-compliance. Section 1910.5 provides that at the time

of receipt, the Administrator will presume that the measures adopted by a community are adequate in light of local conditions (unless the ordinances appear deficient on their face), subject to subsequent review to determine their actual adequacy. If at a subsequent time the measures are found deficient, the Administrator will give the community a reasonable period of time to correct the inadequacy in order to retain eligibility for flood insurance.

The proposed requirements for specific building materials previously listed in § 1910.9 have been deleted because comments were received indicating that such specificity was unnecessary, that some of them were unrealistic (e.g., all insulation material absorbs water to some degree), and that in some areas it would be less expensive to replace damaged portions of the structure than to follow the specific requirements of the proposed regulations.

Pursuant to Public Law 91-190, and Executive Order 11514 (35 F.R. 4247-48, March 7, 1970), it has been determined that the action taken by these regulations has no adverse impact on the environment. The regulations in §§ 1910.3 and 1910.4 set forth the criteria to be followed by communities in enacting or adopting land management measures in order to participate in the National Flood Insurance Program. The overall purpose of these criteria is to encourage only that development of flood-prone or mudslide-prone areas that is appropriate in light of the probability of flood damage and the need to reduce flood losses, that represents an acceptable social and economic use of the land in relation to the hazards involved, and that does not increase the danger to human life; and to discourage all other development.

In accordance with the provisions of 5 U.S.C. 553(d), it has been determined to be in the public interest to make the regulations effective upon publication. Accordingly, Subchapter B of Chapter VII of 24 CFR is revised to read as follows:

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1909—GENERAL PROVISIONS

Subpart A—General

Sec.
1909.1 Definitions.
1909.2 Description of program.
1909.3 Emergency program.

Subpart B—Eligibility Requirements

1909.21 Purpose of subpart.
1909.22 Prerequisites for the sale of flood insurance.
1909.23 Priorities for the sale of flood insurance under the regular program.
1909.24 Suspensions of community eligibility.

AUTHORITY: The provisions of this Part 1909 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

Subpart A—General

§ 1909.1 Definitions.

As used in this subchapter—

"Accounting period" means any annual period during which the agreement is in effect, commencing on July 1 and ending on June 30. Each accounting period under the agreement applies separately to the insurance premiums payable, losses incurred, premium equalization and reinsurance payments due, and operating costs and allowances attributable with respect to all policies issued under the program during the accounting period.

"Act" means the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001-4127.

"Actuarial rates" means the risk premium rates, estimated by the Administrator for individual communities pursuant to studies and investigations undertaken by him in accordance with section 1307 of the Act in order to provide flood insurance in accordance with accepted actuarial principles. Actuarial rates also contain provision for operating costs and allowances.

"Actuarial rate zone" means a zone identified on a Flood Insurance Rate Map as subject to a specified degree of flood or mudslide hazards, to which a particular set of actuarial rates applies.

"Administrator" means the Federal Insurance Administrator, to whom the Secretary has delegated the administration of the program (34 F.R. 2680-81, Feb 27, 1969).

"Affiliates" means two or more associated business concerns which are or can be directly or indirectly controlled by one or more of the affiliates or by a third party.

"Agreement" means the contract entered into for any accounting period by and between the Administrator and the Association whereby the Association will provide policies of flood insurance under the program within designated areas and will adjust and pay claims for losses arising under such policies. The agreement is renewed automatically with respect to each subsequent accounting period unless either the Administrator or the Association gives the other written notice of intention to terminate on or before January 31 of the then current accounting period.

"Applicant" means a community whose legislative body has indicated a desire to participate in the National Flood Insurance Program.

"Association" means the National Flood Insurers Association and, as the context may indicate, the insurance pool composed of two or more of its members or any member acting for or on behalf of the Association under the agreement.

"Chargeable rates" means the reasonable premium rates, estimated by the Administrator in accordance with section 1308 of the Act, which are established in order to encourage the purchase of flood insurance.

"Coastal high hazard area" means the portion of a coastal flood plain having special flood hazards that is subject to high velocity waters, including hurricane wave wash and tsunamis.

"Community" means any State or political subdivision thereof with authority to adopt and enforce land use and control measures for the areas within its jurisdiction.

"Criteria" means the comprehensive criteria for land use and control measures developed under section 1361 of the Act for the purposes set forth in §§ 1910.21 and 1910.42 of this subchapter.

"Deductible" means the fixed amount or percentage of any loss not covered by an insurance policy. The amount of the deductible must be exceeded before insurance coverage takes effect.

"Department" means the U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

"Dwelling" or "dwelling property" means a structure designed for the occupancy of from one to four families, including such a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

"Eligible community" means a community in which the Administrator has authorized the sale of flood insurance under the program.

"Emergency Flood Insurance Map" means an official map on which the Administrator has delineated one or more areas eligible for the sale of insurance under the Emergency Flood Insurance Program.

"Emergency Flood Insurance Program" or "emergency program" means the National Flood Insurance Program authorized by the Act, as implemented on an emergency basis and without the need for individual community rate-making studies, in accordance with section 1336 of the Act, 42 U.S.C. 4056.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of streams, rivers, or other inland water, or (b) abnormally high tidal water on rising coastal waters resulting from severe storms, hurricanes, or tsunamis.

"Flood Hazard Boundary Map" means an official map or plat of a community, issued or approved by the Administrator, on which the boundaries of the flood plain and/or mudslide areas having special hazards have been drawn. This map must conform to the Special Flood Hazard Map and be of sufficient scale and clarity to permit the ready identification of individual building sites as either within or without the area having special flood hazards.

"Flood insurance" means insurance coverage for both floods and mudslides under the program.

"Flood Insurance Rate Map" means an official map of a community, on which the Administrator has delineated the area in which flood insurance may be sold under the regular flood insurance program and the actuarial rate zones applicable to such area.

"Flood plain" or "flood-prone area" means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded.

"Flood plain area having special flood hazards" means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (i.e., that has a 1-percent chance of being flooded each year).

"Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

"Floodway encroachment lines" means the lines marking the limits of floodways on official Federal, State, and local flood plain maps.

"Insurance adjustment organization" means any organization or person engaged in the business of adjusting loss claims arising under insurance policies issued by an insurance company or other insurer.

"Insurance company" or "insurer" means any person or organization authorized to engage in the insurance business under the laws of any State.

"Land use and control measures" means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power, to provide standards and effective enforcement provisions for the prudent use and occupancy of flood-prone and mudslide areas.

"Mudslide" means a general and temporary movement down a slope of a mass of rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.

"Mudslide area" or "mudslide-prone area" means an area characterized by unstable slopes and land surfaces, whose history, geology, soil and bedrock structure, and climate indicate a potential for mudslides.

"Mudslide area having special mudslide hazards" means a mudslide area with a high potential for mudslides.

"Mudslide area management" means the operation of an overall program of corrective and preventive measures for reducing mudslide damage, including but not limited to emergency preparedness plans, mudslide control works, and land use and control measures.

"National Flood Insurers Association" is the Association sponsoring the industry flood insurance pool formed in accordance with sections 1331 and 1332 of the Act (see "Agreement" and "Association"). The Association headquarters is located at 160 Water Street, New York, NY 10038.

"100-year flood" means the highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a 1-percent chance of occurring each year).

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof.

"Policy" means the Standard Flood Insurance policy.

"Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under the policy. The calculation of the policyholder premium may be based upon either chargeable rates or actuarial rates, or a combination of both.

"Program" means the overall National Flood Insurance Program authorized by the Act, including its required coordination with land management programs in flood-prone areas under both the 1968 Act (regular program) and the 1969 amendment adding section 1336 (emergency program) to the Act.

"Secretary" means the Secretary of Housing and Urban Development.

"Small business" means a concern which together with its affiliates does not have assets exceeding $5 million, does not have a net worth in excess of $2½ million, and does not have an average net income after Federal income taxes for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss).

"Small business property" means a structure owned or leased and operated by a small business, including hotels and motels primarily used for transient occupancy of less than 6 months but excluding all other residential properties. The term includes such a structure while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

"Special Flood Hazard Map" means the official map designated by the Administrator to identify (a) flood plain areas having special flood hazards, and/or (b) mudslide areas having special mudslide hazards.

"Standard Flood Insurance Policy" means a standard contract or policy by means of which flood insurance coverage under the program is made available to an insured by the Association. The form of the policy, as well as its terms and conditions, is approved by the administrator and is uniform with respect to all areas.

"Start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; installation of sewer, gas, and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

"State" means the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

"Water surface elevation" means the heights in relation to Mean Sea Level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the flood plains of coastal or riverine areas.

§ 1909.2 **Description of program.**

(a) The National Flood Insurance Act of 1968 was enacted by title XIII of the Housing and Urban Development Act of 1968 (Public Law 90–448, August 1, 1968) to provide previously unavailable flood insurance protection to property owners in flood-prone areas. Mudslide protection was added to the program by the Housing and Urban Development Act of 1969 (Public Law 91–152, December 24, 1969). The program operates through an insurance industry pool under the auspices of the National Flood Insurers Association, by means of a Federal subsidy to make up the difference between actuarial rates and the rates actually charged to consumers for the protection provided. In many cases, the Federal subsidy amounts to more than 90 percent of the cost of the insurance.

(b) In order to qualify for the sale of federally subsidized flood insurance before December 31, 1971, a community must agree to adopt and enforce adequate land use and control measures, consistent with Federal criteria (set forth in Part 1910 of this subchapter) by that date. Such measures must be designed to reduce or avoid future flood or mudslide damage and include effective enforcement provisions. Federal flood insurance may not be sold after December 31, 1971, in any community that has not by that date adopted the required local ordinances. Section 1909.24 provides for the reinstatement of eligibility in

communities that adopt such measures after that date.

(c) Communities that do not initially qualify for the sale of insurance by December 31, 1971, must adopt and submit the required land use and control measures to the Administrator as part of their application. If the measures submitted appear to be consistent with Subpart A of Part 1910 of this subchapter, they will be accepted, subject to more detailed subsequent review and/or the availability of additional technical information.

(d) Minimum requirements for adequate land use and control measures are set forth in § 1910.3 of this subchapter for flood-prone areas and in § 1910.4 of this subchapter for mudslide areas. Each community must meet the applicable requirements, which are based on the amount of technical information available to the community. A flood-prone community must control development within the area of the 100-year flood unless it is determined for good cause that such a standard would not be economically and socially desirable and would unreasonably curtail its future growth and vitality. If the community in good faith makes such a determination, it must submit the ordinances it has adopted, together with economic and technical justification for the lesser standards they contain, to the Administrator for his review in accordance with § 1910.5 of this subchapter. If the Administrator does not concur in the community's determinations, he will inform the community of the modifications it must make in its measures and give it a specified period of time to make the required modifications. During this period the community's eligibility for the sale of flood insurance will be unaffected.

§ 1909.3 Emergency program.

The 1968 Act required a ratemaking study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in section 408 of the Housing and Urban Development Act of 1969 (Public Law 91-152, December 24, 1969), established an Emergency Flood Insurance Program as a new section 1336 of the National Flood Insurance Act (42 U.S.C. 4056) to permit the early sale of insurance in flood-prone communities. The emergency program (which was authorized for the 2-year period ending December 31, 1971) does not affect the requirement that a community must adopt adequate land use and control measures but permits insurance to be sold before a study is conducted to determine actuarial rates for the community. The amended program still requires the charging of actuarial rates for higher limits of coverage for existing structures and for all new construction in areas having special flood and/or mudslide hazards. After December 31, 1971, under existing law, no properties can be newly insured or have policies renewed except those in communities for which actuarial rates are available.

Subpart B—Eligibility Requirements

§ 1909.21 Purpose of subpart.

This subpart lists actions that must be taken by a community to become eligible and to remain eligible for the flood insurance program.

§ 1909.22 Prerequisites for the sale of flood insurance.

(a) In order to qualify for Federal flood insurance a community must apply for eligibility for the entire area within its jurisdiction, and must submit—

(1) Copies of official legislative and executive actions indicating a local need for flood insurance and an explicit desire to participate in the Federal Flood Insurance Program;

(2) Citations to State and local statutes and ordinances authorizing actions regulating land use and copies of the local laws and regulations cited;

(3) A summary of State and local public and private flood plain or mudslide area management measures, if any, that have been adopted for the flood plain areas and/or mudslide areas in the community. This submission may be in any suitable form, but should list or enclose copies of easements, zoning, building, and subdivision regulations, health codes, and other corrective and preventive measures instituted to reduce or prevent flood or mudslide damage;

(4) A large-scale map of the entire area under the community's jurisdiction, identifying local flood plain areas and mudslide areas, if any, and showing the names of rivers, bays, gulfs, lakes, and similar bodies of water that cause floods;

(5) A brief summary of the community's history of flooding and/or mudslides and the characteristics of its flood plain and/or mudslide areas, if available, including the locations of any known high water marks and/or mudslide occurrences. A current flood plain information report prepared by the U.S. Army Corps of Engineers or a similar report will satisfy the requirements of this subparagraph and the preceding subparagraph with respect to flood plain areas;

(6) A clean map of the community, preferably in black and white, clearly delineating its corporate limits, which can be reproduced for publication. If the best available map is copyrighted, a letter of release must be obtained;

(7) A list of the incorporated communities within the applicant's boundaries (if the application is made on behalf of a county or a political subdivision containing more than one incorporated community);

(8) Estimates relating to flood-prone area concerning:

(i) Population,

(ii) Number of one to four family residences,

(iii) Number of small businesses;

(9) Address of a local repository, such as a municipal building, where the flood insurance and flood hazard maps will be made available for public inspection;

(10) If applying before December 31, 1971, a commitment to adopt by that date and maintain in force for areas having special flood and/or mudslide hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Part 1910 of this subchapter;

(11) If applying after December 31, 1971, a copy of the land use and control measures the community has adopted in order to meet the requirements of §1910.3 and/or § 1910.4 of this subchapter;

(12) A commitment to recognize and duly evaluate flood and/or mudslide hazards in all official actions relative to land use in the areas having special flood and/or mudslide hazards and to take such other official action as may be reasonably necessary to carry out the objectives of the program; and

(13) A commitment to:

(i) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites;

(ii) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain and/or mudslide area;

(iii) Maintain for public inspection and furnish upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures and, where there is a basement, the distance between the first floor and the bottom of the lowest opening where water flowing on the ground will enter; and

(iv) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards;

(b) An applicant must also legislatively—

(1) Appoint or designate an agency or official with the responsibility, authority, and means to implement the commitments made in paragraph (a) of this section; and

(2) Designate an official responsible to submit, on each anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and/or mudslide area management measures.

(c) The documents required by paragraph (a) of this section and evidence of the actions required by paragraph (b) of this section must be submitted to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

§ 1909.23 Priorities for the sale of flood insurance under the regular program.

Communities which comply with the requirements of § 1909.22 are placed on a register of areas eligible for ratemaking studies and will be selected from this register for ratemaking studies on the basis of the following considerations—

(a) Location of community and urgency of need for flood insurance;

(b) Population of community and intensity of existing or proposed development of the flood plain and/or the mudslide area;

(c) Availability of information on the community with respect to its flood and/or mudslide characteristics and previous losses;

(d) Recommendations of State officials as to communities within the State which should have priorities in flood insurance availability; and

(e) Extent of State and local progress in flood plain and/or mudslide area management, including actual adoption of land use and control regulations consistent with related ongoing programs in the area.

§ 1909.24 Suspensions of community eligibility.

(a) A community eligible for the sale of flood insurance which fails to provide official notice to the Administrator by December 31, 1971, that it has adopted land use and control measures for its flood-prone and mudslide-prone areas in accordance with the requirements of Subpart A of Part 1910 of this subchapter shall automatically lose its eligiblity at midnight on that date. A community which provides such official notice but fails to submit the required land use and control measures to the Administrator by January 15, 1972, for review shall automatically lose its eligibility at midnight on that date. The community's eligibility shall remain terminated until the land use and control measures have been received by the Administrator.

(b) The Administrator shall promptly notify the Association of those communities whose eligibility has been suspended, and the Association shall promptly so notify its servicing companies. Flood insurance shall not be sold or renewed in any suspended community until the Association is subsequently notified by the Administrator of the date of the community's formal reinstatement. Policies sold or renewed within a community during a period of ineligibility shall be deemed void and unenforceable whether or not the parties to the sale or renewal had actual notice of the ineligibility.

(c) Communities eligible for the sale of flood insurance after December 31, 1971, shall not thereafter lose their eligibility because of the inadequacy of the land use and control measures they have adopted except upon 30 days' prior written notice and publication in the FEDERAL REGISTER.

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A—Requirements for Land Use and Control Measures

Subpart B—Additional Considerations in Managing Flood-Prone and Mudslide-Prone Areas

AUTHORITY: The provisions of this Part 1910 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1910.1 Purpose of subpart.

(a) Section 1315 of the Act provides that flood insurance shall not be sold or renewed under the program within a community after December 31, 1971, unless the community has adopted adequate land use and control measures consistent with Federal criteria. Responsibility for establishing such criteria is delegated to the Administrator.

(b) This subpart sets forth the criteria developed in accordance with section 1361 of the Act by which the Administrator will determine the adequacy of a community's land use and control measures. These measures must be applied uniformly throughout the community to all privately and publicly owned land within flood-prone or mudslide areas. Except as otherwise provided in § 1910.5, the adequacy of such measures shall be determined on the basis of the standards set forth in § 1910.3 for flood-prone areas and in § 1910.4 for mudslide areas.

(c) Nothing in this subpart shall be construed as modifying or replacing the general requirement that all eligible communities must take into account flood and mudslide hazards, to the extent that they are known, in all official actions relating to land use and control.

§ 1910.2 Minimum compliance with land management criteria.

(a) A flood-prone community which becomes eligible for sale of flood insurance prior to December 31, 1971, must have land use and control measures in effect by that date which at least meet the requirements of § 1910.3(a) in order to remain eligible after that date. In addition, the community must meet the respective requirements of § 1910.3 (b), (c), (d), or (e) within 6 months from the date it receives the data required for compliance with the applicable paragraph or by December 31, 1971, whichever is later.

(b) A flood-prone community applying for flood insurance eligibility after December 31, 1971, must meet the standards of § 1910.3(a) in order to become eligible. Thereafter, the community will be given a period of 6 months from the date it receives the data set forth in § 1910.3 (b), (c), (d), or (e) in which to meet the requirements of the applicable paragraph.

(c) A mudslide-prone community which becomes eligible for sale of flood insurance prior to December 31, 1971, must have land use and control measures in effect by that date which meet the requirements of § 1910.4(a) to remain eligible after that date. In addition, the community must meet the requirements of § 1910.4(b) within 6 months after the date its mudslide areas having special mudslide hazards are delineated or by December 31, 1971, whichever is later.

(d) A mudslide-prone community applying for flood insurance eligibility after December 31, 1971, must meet the standards of § 1910.4(a) in order to become eligible for such insurance. Thereafter, the community will be given a period of 6 months from the date the mudslide areas having special mudslide hazards are delineated in which to meet the requirements of § 1910.4(b).

(e) Communities identified in Part 1915 of this subchapter as containing both flood plain areas having special flood hazards and mudslide areas having special mudslide hazards must adopt land use and control measures for each type of hazard consistent with the requirements of §§ 1910.3 and 1910.4.

(f) Local flood and mudslide land use and control measures should be submitted to the State coordinating agency designated pursuant to § 1910.25 for its advice and concurrence. The submission to the State should clearly describe proposed enforcement procedures.

(g) The community official responsible for submitting annual reports to the Administrator pursuant to § 1909.22(b)(2) of this subchapter shall also submit copies of each annual report to any State coordinating agency and to other appropriate State and local bodies, and shall inform the Administrator of the agencies to which the annual reports are sent.

§ 1910.3 Required land use and control measures for flood-prone areas.

The Administrator generally will provide the data upon which land use and control measures must be based. If the Administrator has not provided sufficient data to furnish a basis for these measures in a particular community, the community may initially use hydrologic and other data obtained from other Federal or State agencies or from consulting services, pending receipt of data from

the Administrator. However, when special hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. In all cases the minimum requirements governing the adequacy of the land use and control measures for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has declared an entire community a flood plain area having special flood hazards and has not defined the special flood hazard areas more precisely, has not provided water surface elevation data, and has not provided sufficient data to indentify the floodway or coastal high hazard area, the community must—

(1) Require building permits for all proposed construction or other improvements in the community;

(2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage;

(3) Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

(4) Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(b) When the Administrator has identified the flood plain area having special flood hazards, but has produced neither water surface elevation data nor data sufficient to identify the floodway or coastal high hazard area, the minimum land use and control measures adopted by the community for the flood plain must—

(1) Take into account flood plain management programs, if any, already in effect in neighboring areas;

(2) Apply at a minimum to all areas identified by the Administrator as flood plain areas having special flood hazards;

(3) Provide that within the flood plain area having special flood hazards, the laws and ordinances concerning land use and control and other measures designed to reduce flood losses shall take precedence over any conflicting laws, ordinances, or codes;

(4) Require building permits for all proposed construction or other improvements in the flood plain area having special flood hazards;

(5) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair (i) uses construction materials and utility equipment that are resistant to flood damage, and (ii) uses construction methods and practices that will minimize flood damage;

(6) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) (i) is protected against flood damage, (ii) is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure, (iii) uses construction materials and utility equipment that are resistant to flood damage, and (iv) uses construction methods and practices that will minimize flood damage;

(7) Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (ii) adequate drainage is provided so as to reduce exposure to flood hazards; and

(8) Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(c) When the Administrator has identified the flood plain area having special flood hazards, and has provided water surface elevations for the 100-year flood, but has not provided data sufficient to identify the floodway or coastal high hazard area, the minimum land use and control measures adopted by the community for the flod plain must—

(1) Meet the requirements of paragraph (b) of this section;

(2) Require new construction or substantial improvements of residential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood;

(3) Require new construction or substantial improvements of non-residential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood or, together with attendant utility and sanitary facilities, to be floodproofed up to the level of the 100-year flood; and

(4) In riverine situations, provide that until a floodway has been designated, no use, including land fill, may be permitted within the flood plain area having special flood hazards unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the 100-year flood more than 1 foot at any point.

(d) When the Administrator has identified the riverine flood plain area having special flood hazards, has provided water surface elevation data for the 100-year flood, and has provided floodway data, the land use and control measures adopted by the community for the flood plain must—

(1) Meet the requirements of paragraph (b) of this section;

(2) Require new construction or substantial improvements of residential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood.

(3) Require new construction or substantial improvements of nonresidential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood or, together with attendant utility and sanitary facilities, to be floodproofed up to the level of the 100-year flood;

(4) Designate a floodway for passage of the water of the 100-year flood. The selection of the floodway shall be based on the principle that the area chosen for the floodway must be designed to carry the waters of the 100-year flood, without increasing the water surface elevation of that flood more than 1 foot at any point;

(5) Provide that existing nonconforming uses in the floodway shall not be expanded but may be modified, altered, or repaired to incorporate floodproofing measures, provided such measures do not raise the level of the 100-year flood; and

(6) Prohibit fill or encroachments within the designated floodway that would impair its ability to carry and discharge the waters resulting from the 100-year flood, except where the effect on flood heights is fully offset by stream improvements.

(e) When the Administrator has identified the coastal flood plain area having special flood hazards, has provided water surface elevation data for the 100-year flood, and has identified the coastal high hazard area, the land use and control measures adopted by the local government for the flood plain must—

(1) Meet the requirements of paragraph (b) of this section;

(2) Require new construction or substantial improvements of residential

structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood;

(3) Require new construction or substantial improvements of nonresidential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood or, together with attendant utility and sanitary facilities, to be floodproofed up to the level of the 100-year flood;

(4) Provide that existing uses located on land below the elevation of the 100-year flood in the coastal high hazard area shall not be expanded; and

(5) Provide that no land below the level of the 100-year flood in a coastal high hazard area may be developed unless the new construction or substantial improvement (i) is located landward of the reach of the mean high tide, (ii) is elevated on adequately anchored piles or columns to a lowest floor level at or above the 100-year flood level and securely anchored to such piles or columns, and (iii) has no basement and has the space below the lowest floor free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.

§ 1910.4 Required land use and control measures for mudslide areas.

The Administrator generally will provide the data upon which land use and control measures must be based. If the Administrator has not provided sufficient data to furnish a basis for these measures in a particular community, the community may initially use geologic and other data obtained from other Federal or State agencies or from consulting services, pending receipt of data from the Administrator. However, when special hazard area designations and other relevant technical data have been furnished by the Administrator, they shall apply. In all cases the minimum requirements governing the adequacy of the land use and control measures for mudslide-prone raeas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has identified a community as containing mudslide areas having special mudslide hazards, but has not delineated the areas having special mudslide hazards, the community must—

(1) Require the issuance of a permit for any excavation, grading, fill, or construction in the community; and

(2) Require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must (i) be adequately protected against mudslide damage and (ii) not aggravate the existing hazard.

(b) When the Administrator has delineated the mudslide areas having special mudslide hazards within a community, the community must (1) meet the requirements of paragraph (a) of this section and (2) adopt and enforce as a minimum within such area or areas the provisions of the 1970 edition of the Uniform Building Code, sections 7001 through 7006, and 7008 through 7015. The Uniform Building Code is published by the International Conference of Building Officials, 50 South Los Robles, Pasadena, CA 91101.

§ 1910.5 Exceptions because of local conditions.

(a) The requirement that each community must have adopted adequate land use and control measures (consistent with the criteria set forth in this subpart) on or before December 31, 1971, is statutory and cannot be waived. However, the Administrator recognizes that exceptional local conditions may render the adoption of a 100-year flood standard or other standards contained in this subpart premature or uneconomic for a particular community. Consequently, to meet the December 31, 1971, statutory deadline, a community may elect standards of protection which do not fully meet the requirements of § 1910.3 or § 1910.4, subject to the provisions of this section.

(b) All local land use and control measures intended to meet the requirements of this subpart shall be submitted to the Administrator after their adoption. If the adopted ordinances appear to reflect compliance with the requirements of this subpart, they will initially be accepted by the Administrator (without detailed examination) in satisfaction of such requirements, and the sale of flood insurance will be continued or approved for the community submitting them. If the Administrator subsequently determines that the adopted land use and control measures are inadequate, either in general or in some particular aspect, he may require their modification within a specified period of time to meet the requirements of this subpart as a condition of the community's further eligibility for flood insurance.

(c) A community that finds it necessary to adopt land use and control measures which vary from the standards set forth in § 1910.3 or § 1910.4 shall, as a condition of initial acceptance of such measures by the Administrator, explain in writing the nature and extent of the variances and the reasons for their adoption and shall include supporting economic, topographic, hydrologic, and other technical data.

§ 1910.6 Revisions of criteria for land use and control.

From time to time the regulations of Part 1910 for land management and use may be revised as experience is acquired under the program and new information becomes available. Eligible communities will be given a reasonable time to revise local ordinances to comply with any such changes.

Subpart B—Additional Considerations in Managing Flood-Prone and Mudslide-Prone Areas

§ 1910.21 Purpose of subpart.

The purpose of this subpart is to encourage the formulation and adoption of overall comprehensive management plans for flood-prone and mudslide-prone areas.

§ 1910.22 State and local development goals.

State and local flood plain and mudslide area land use and control measures should contribute to social and economic development goals by:

(a) Diverting unwarranted and unwise development away from flood-prone and mudslide-prone areas;

(b) Encouraging flood and mudslide control and damage abatement efforts through public and private means;

(c) Deterring the unnecessary or improper installation of public utilities and public facilities in flood-prone and mudslide-prone areas; and

(d) Requiring construction and land use practices that will reduce flooding resulting from surface runoff, improper drainage, or inadequate storm sewers, and reduce the potential for mudslides.

§ 1910.23 Planning considerations for flood-prone areas.

(a) The goals of the land use and control measures adopted by a community for flood plain areas should be—

(1) To encourage only that development of flood-prone areas which (i) is appropriate in light of the probability of flood damage and the need to reduce flood loses, (ii) is an acceptable social and economic use of the land in relation to the hazards involved, and (iii) does not increase the danger to human life; and

(2) To discourage all other development.

(b) In formulating community development goals and in adoption flood plain use and control measures, each community should consider at least the following factors—

(1) Importance of diverting future development to areas not exposed to flooding;

(2) Possibilities of reserving flood-prone areas for open space purposes;

(3) Possible adverse effects of flood plain development on other flood-prone areas;

(4) How to encourage floodproofing to reduce the flood hazard;

(5) Need for flood warning and emergency preparedness plans;

(6) Need to provide alternative vehicular access and escape routes to be utilized when normal routes are blocked or destroyed by flooding;

(7) Need to establish minimum floodproofing and access requirements for schools, hospitals, nursing homes, penal institutions, fire stations, police stations, communications centers, water and sewage pumping stations, and other public or quasi-public institutions already located in the flood-prone area, to enable

them to withstand flood damage, and to facilitate emergency operations;

(8) Need to improve local drainage and to control any increased runoff that might increase the danger of flooding or mudslides elsewhere in the area;

(9) Need to coordinate local plans with neighboring flood plain and mudslide area management and conservation programs;

(10) Possibilities of acquiring land or land development rights for public purposes consistent with effective flood plain management;

(11) State and local water pollution control requirements;

(12) For riverine areas, the need for requiring subdividers to furnish delineations of limits of floodways before approving a subdivision; and

(13) For coastal areas, the need to establish programs for building bulkheads, seawalls, breakwaters, and other damage abatement structures, and for preserving natural barriers to flooding, such as sand dunes and vegetation.

§ 1910.24 Planning considerations for mudslide-prone areas

The planning process for areas identified in Part 1915 of this subchapter as containing mudslide areas having special mudslide hazards or which indicate in their applications for flood insurance coverage pursuant to § 1909.22 of this subchapter that they have a history of, or potential for, mudslide problems, should consider—

(a) The existence and extent of the hazard as evaluated by competent professionals;

(b) The potential effects of inappropriate hillside development, including (1) loss of life and personal injuries, and (2) public and private property losses, costs, liabilities, and exposures resulting from potential mudslide hazards;

(c) The means of avoiding the hazard, including the (1) availability of land which is not mudslide-prone and the feasibility of developing such land instead of further encroaching upon mudslide areas, (2) possibility of public acquisition of land, easements, and development rights to assure the proper development of hillsides, mountainsides, cliffs, and palisades, and (3) advisability of preserving mudslide areas as open space;

(d) The means of adjusting to the hazard, including the (1) establishment by ordinance of site exploration, investigation, design, grading, construction, filling, compacting, foundation, sewerage, drainage, subdrainage, planting, inspection and maintenance standards and requirements that promote proper land use, and (2) provision for proper drainage and subdrainage on public property and the location of public utilities and service facilities, such as sewer, water, gas and electrical systems and streets in a manner designed to minimize exposure to mudslide hazards and prevent their aggravation;

(e) Coordination of land use, sewer, and drainage regulations and ordinances with fire prevention, flood plain, mudslide, soil, land, and water regulation in neighboring areas;

(f) Planning subdivisions and other developments in such a manner as to avoid exposure to mudslide hazards and the control of public facility and utility extension to discourage inappropriate development;

(g) Public facility location and design requirements with higher site stability and access standards for schools, hospitals, nursing homes, correctional and other residential institutions, fire and police stations, communication centers, electric power transformers and substations, water and sewer pumping stations, and any other public or quasi-public institutions located in the mudslide area, to enable them to withstand mudslide damage and to facilitate emergency operations; and

(h) Provision for emergencies, including (1) warning, evacuation, abatement, and access procedures in the event of mudslides, (2) enactment of public measures and initiation of private procedures to limit danger and damage from continued or future mudslides, (3) fire prevention procedures in the event of the rupture of gas or electrical distribution systems by mudslides, (4) provisions to avoid contamination of water conduits or deterioration of slope stability by the rupture of such systems, (5) similar provisions for sewers which in the event of rupture pose both health and site stability hazards, and (6) provisions for alternative vehicular access and escape routes when normal routes are blocked or destroyed by mudslides.

§ 1910.25 State coordination.

(a) State participation in furthering the objectives of this part should include—

(1) Enacting land use and control measures which regulate flood plain and mudslide area land use;

(2) Enacting where necessary, legislation to enable counties and municipalities to regulate flood plain and mudslide area land use;

(3) Designating an agency of the State government to be responsible for coordinating Federal, State, and local aspects of flood plain and mudslide area management activities in the State;

(4) Assisting in the delineation of mudslide areas, riverine floodways, and coastal high hazard areas and providing all relevant technical data to the Administrator;

(5) Establishing minimum State flood plain and mudslide regulatory standards consistent with those established in this part;

(6) Guiding and assisting municipal and county public bodies and agencies in developing flood plain and mudslide area management plans and land use and control measures;

(7) Recommending priorities for ratemaking studies among those communities of the State which qualify for such studies;

(8) Communicating flood plain and mudslide area information to local governments and to the general public;

(9) Participating in flood and mudslide warning and emergency preparedness programs;

(10) Assisting communities in disseminating information on minimum elevations for structures permitted in flood plain and mudslide areas having special hazards;

(11) Advising public and private agencies (particularly those whose activities or projects might obstruct drainage or the flow of rivers or streams or increase slope instability) on the avoidance of unnecessary aggravation of flood and mudslide hazards;

(12) Requiring that proposed uses of flood plain and mudslide-prone areas conform to standards established by State environmental and water pollution control agencies to assure that proper safeguards are being provided to prevent pollution; and

(13) Providing local communities with information on the program, with particular emphasis on the coordination of State and Federal requirements pertaining to the management of flood-prone and mudslide-prone areas.

(b) For States whose flood plain management program substantially encompass the activities described in paragraph (a) of this section, the Administrator will—

(1) Give special consideration to State priority recommendations before selecting communities for ratemaking studies from the register described in § 1909.23 of this subchapter; and

(2) Seek State approval of local flood plain and mudslide area land use and control measures before finally accepting such measures as meeting the requirements of this part.

§ 1910.26 Local coordination.

(a) Local flood plain and mudslide area management, flood forecasting, flood and mudslide emergency preparedness, and flood and mudslide control and damage abatement programs should be coordinated with relevant Federal, State, and regional programs.

(b) A locality adopting land use and control measures pursuant to these criteria should arrange for coordination with the appropriate State agency of its program of information and education designed to promote public acceptance and use of sound flood plain and mudslide area management practices.

PART 1911—INSURANCE COVERAGE AND RATES

Sec.

AUTHORITY: The provisions of this Part 1911 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing

and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1911.1 Special definitions.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part except that, for the purposes of this part—

(a) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, or (3) mudslides which are caused or precipitated by accumulations of water on or under the ground; and

(b) "Eligible dwelling" means a residential structure (including a townhouse or rowhouse) containing four units or less, which is either (1) separated from other structures by standard firewalls or open space, or (2) contiguous to the ground and customarily regarded as a separate structure. The term does not include apartment, cooperative, or condominium complexes containing more than four units, whether or not such units have separate legal titles, except where such units comply with subparagraph (1) or (2) of this paragraph.

§ 1911.2 Purpose of part.

This part describes the types of properties eligible for flood insurance coverage under the program, the limits of such coverage, and the premium rates actually to be paid by insureds. The specific communities eligible for coverage are designated by the Administrator from time to time as applications are approved under the emergency program and as individual ratemaking studies are completed under the regular program. Lists of such communities are periodically published under Part 1914 of this subchapter.

§ 1911.3 Types of properties eligible for coverage.

(a) Insurance coverage for structures under the program is currently available only for eligible dwellings and for small business properties, as defined in § 1909.1 of this subchapter and §1911.1. It is expected that coverage for other classes of properties will become available at a later date if it appears that the overall purposes of the program, including the adoption by communities of adequate land use and control measures, are being accomplished.

(b) Insurance coverage for contents is available only for content of eligible dwellings and small business properties but may be purchased separately from structural coverage.

(c) Only businesses that meet the definition of small business in §1909.1 of this subchapter may purchase insurance for a small business property.

(d) A business concern may represent in its application for insurance that it is a small business. In the absence of information which would cause the National Flood Insurers Association to question the self-certification, the Association will accept it at face value. However, such representation is subject to review by the Association after the occurrence of a loss but prior to the settlement of a claim. If the insured cannot show that it qualified as a small business at the time of application, the Association may deny the claim and retain all or that portion of the premium necessary to meet the costs of investigating and processing the claim.

§ 1911.4 Limitations on coverage.

(a) All flood insurance made available under the program is subject—

(1) To the terms and conditions of the Standard Flood Insurance Policy, which shall be approved by the Administrator as to both substance and form;

(2) To the specified limits of coverage set forth in the Application and Declarations page of the policy; and

(3) To the maximum limits of coverage set forth in § 1911.6.

(b) Insurance under the program is available only for loss due to flood, as defined in § 1911.1. The policy covers damage from a general condition of flooding or mudslides in the area which results from other than natural causes, such as the breaking of a dam, but does not cover water or mudslide damage which results from causes on the insured's own property or within his control or from any condition which causes flooding or mudslide damage which is substantially confined to the insured premises or properties immediately adjacent thereto.

(c) The policy does not cover losses from rain, snow, sleet, hail, or water spray. It covers losses from freezing or thawing, or from the pressure or weight of ice and water, only where they occur simultaneously with and as a part of flood damage. It covers mudslide but does not cover damage from earthquakes or similar earth movements which are volcanic or tectonic in origin. It does not cover losses caused by erosion.

(d) The policy protects against loss to contents only at the location described in the application, except that contents necessarily removed from the premises for preservation from a flood or mudslide are protected against loss or damage from flood or mudslide at the new location pro rata for a period of 30 days.

§ 1911.5 Special terms and conditions.

The following terms and conditions of the Standard Flood Insurance Policy should be especially noted—

(a) No flood insurance is available for properties declared by a duly constituted State or local zoning or other authority to be in violation of any flood plain or mudslide area management or control law, regulation, or ordinance.

(b) In order to reduce the administrative costs of the program, of which the Federal Government pays a major share, payment of the full policyholder premium must be made at the time of application.

(c) Because of the seasonal nature of flooding, refunds of premiums upon cancellation of coverage by the insured are permitted only if he ceases to have an ownership interest in the covered property at the location described in the policy.

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) for structural losses, $200 or 2 percent of the amount of coverage applicable to the structure, whichever is greater, and (2) for contents losses, $200 or 2 percent of the amount of coverage applicable to the contents, whichever is greater.

(e) Payment for a loss under the policy does not reduce the amount of insurance applicable to any other loss during the policy term which arises out of a separate flood or mudslide occurrence, but all losses arising out of a continuous or protracted occurrence are deemed to have arisen out of a single occurrence.

(f) The insured may apply up to, but not in excess of, 10 percent of the face amount of the structural coverage under a dwelling policy to appurtenant structures and outbuildings (such as carports, garages, and guest houses) if they do not constitute separate properties. If any such building constitutes a separate dwelling or small business property, it must be insured under a separate policy.

(g) The following are not insurable under the program: Outdoor swimming pools, boathouses, bulkheads, wharves, piers, and docks.

(h) The contents coverage for dwelling properties excludes money and securities, birds or animals, most motor vehicles, boats, trailers, business property, and certain other types of property. It provides only limited amounts of protection for certain other items, such as paintings and jewelry.

(i) The policy on an eligible property may be canceled by the insurer only for nonpayment of premium. However, any willful misrepresentation or concealment of any material fact by the insured at any time voids the entire policy as of the date the wrongful act was committed.

§ 1911.6 Maximum amounts of coverage available.

The maximum limits of coverage of the policy under the regular program are the following, and the maximum limits of coverage under the emergency program are one-half the following—

(a) For dwelling properties containing only one unit:

(1) $35,000 structural coverage,

(2) $10,000 contents coverage, which may be purchased by the owner or the tenant;

(b) For dwelling properties containing two to four units:

(1) $60,000 aggregate structural coverage,

(2) $10,000 contents coverage for each unit, which may be purchased by the owner or the tenant;

(c) For small business properties:

(1) $60,000 aggregate structural coverage,

(2) $10,000 contents coverage for contents related to the premises of each small business occupant.

§ 1911.7 Premium rate determinations.

(a) Pursuant to section 1307 of the Act, the Administrator is authorized to undertake studies and investigations to enable him to estimate the risk premium rates necessary to provide flood insurance in accordance with accepted actuarial principles, including applicable operating costs and allowances. Such rates are referred to in this subchapter as "actuarial rates."

(b) The Administrator is also authorized to estimate the rates which can reasonably be charged to insureds in order to encourage them to purchase the flood insurance made available under the program. Such rates are referred to in this subchapter as "chargeable rates." Generally, for areas having special flood hazards, chargeable rates are considerably lower than actuarial rates.

§ 1911.8 Applicability of actuarial rates.

Actuarial rates are applicable to all flood insurance made available for—

(a) Any property, the construction or substantial improvement of which was started after the Administrator has identified the area in which the property is located as an area having special flood or mudslide hazards under Part 1915 of this subchapter; and

(b) Coverage which exceeds the following limits:

(1) For dwelling properties (i) $17,500 aggregate liability for any property containing only one unit, (ii) $30,000 for any property containing more than one unit, and (iii) $5,000 aggregate liability per unit for any contents related to such unit; and

(2) For a small business property (i) $30,000 for the structure, and (ii) $5,000 for contents for each small business occupant; and

(c) Any eligible property for which the chargeable rates prescribed by this part would exceed the actuarial rates.

§ 1911.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of flood insurance are established as shown in the following table for all areas designated by the Administrator under Part 1914 of this subchapter for the offering of flood insurance—

Type of structure	Value of structure	Rate per year per $100 coverage on structure	Rate per year per $100 coverage on contents
(1) Single unit dwelling property.	$17,500 and under	$0.40	$0.50
	$17,501-$35,000	.45	.55
	$35,501 and over	.50	.60
(2) Two-to-four unit dwelling property.	$30,000 and under	.40	.50
	$30,001-$60,000	.45	.55
	$60,001 and over	.50	.60
(3) Small business property.	$30,000 and under	.50	1.00
	$30,001-$60,000	.60	1.00
	$60,001 and over	.70	1.00

§ 1911.10 Minimum policyholder premiums.

The minimum policyholder premium required for any policy, regardless of the amount of coverage, is $25. The minimum policyholder premium required for any added coverage or increase in the amount of coverage during the term of an existing policy is $4, regardless of the length of the unexpired term of the policy at the time of the change.

PART 1912—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Subpart A—Issuance of Policies

Sec.
1912.1 Purpose of part.
1912.2 National Flood Insurers Association.
1912.3 Limitations on sale of policies.

Subpart B—Claims Adjustment and Judicial Review

1912.21 Claims adjustment.
1912.22 Judicial review.

AUTHORITY: The provisions of this Part 1912 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410 Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

Subpart A—Issuance of Policies

§ 1912.1 Purpose of part.

The purpose of this part is to set forth the manner in which flood insurance under the program is made available to the general public in those communities designated as eligible for the sale of insurance under Part 1914 of this subchapter, and to prescribe the general method by which claims for losses are paid.

§ 1912.2 National Flood Insurers Association.

(a) Pursuant to sections 1331 and 1332 of the Act, the Administrator has entered into the agreement with the Association to authorize it to provide the flood insurance coverage under the program in communities designated by the Administrator and to assume responsibility for the adjustment and payment of claims for losses.

(b) Membership in the Association shall be open to any insurance company or other insurer which—

(1) Is authorized to engage in the insurance business under the laws of any State;

(2) Has total assets of at least $1 million;

(3) Agrees to assume a minimum net loss liability of $25,000 under policies of insurance issued in the name of the Association for each accounting period of membership;

(4) Pays an admission fee equal to $50 for each $25,000 of participation; and

(5) Agrees to such other reasonable conditions as the Association may prescribe, subject to the approval of the Administrator.

(c) No insurer shall be admitted to membership in the Association for a term less than a full accounting period, nor subsequent to July 1 of any accounting period, as defined in § 1909.1 of this subchapter.

(d) Under the agreement, any insurance company or other insurer, insurance agent or broker, or insurance adjustment organization desiring to cooperate with the Association as fiscal agent or otherwise, is permitted to do so to the maximum extent practicable. The Association will use its best efforts to arrange for the issuance of flood insurance to any person qualifying for such coverage under Parts 1911 and 1914 of this subchapter who submits an application to either a member or nonmember company in accordance with the terms and conditions of the agreement.

(e) Communications concerning membership in or cooperation with the Association should be addressed directly to the National Flood Insurers Association, 160 Water Street, New York, NY 10038.

§ 1912.3 Limitations on sale of policies.

(a) Each participating or cooperating insurer offering flood insurance under the program shall be deemed to have agreed, as a condition of such participation or cooperation, that it shall not offer flood insurance under any authority or auspices in any amount within the maximum limits of coverage specified in § 1911.6 of this subchapter, in any area the Administrator designates in Part 1914 of this subchapter as eligible for the sale of flood insurance under the program, other than in accordance with this part, the agreement, and the Standard Flood Insurance Policy issued pursuant thereto. Violation of this condition shall, at the discretion of the Administrator, exclude the violator from any further membership in or cooperation with the Association or the program.

(b) The agreement and all activities thereunder are subject to title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and to the applicable Federal regulations and requirements issued from time to time pursuant thereto. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the program, on the ground of race, color, or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this part should be referred to the Administrator.

Subpart B—Claims Adjustment and Judicial Review

§ 1912.21 Claims adjustment.

(a) In accordance with the agreement, the Association shall arrange for the prompt adjustment and settlement of all claims arising from policies of insurance issued under the program. Investigation of such claims may be made

through the facilities of its members, nonmember insurers, or insurance adjustment organizations, to the extent required and appropriate for the expeditious processing of such claims. Settlements so made and loss adjustment expenses so incurred shall, subject to audit, be binding on the Administrator.

(b) All adjustment of losses and settlements of claims shall be made in accordance with the terms and conditions of the policy and Parts 1911 and 1912 of this subchapter.

§ 1912.22 Judicial review.

Upon the disallowance by the Association of any claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within 1 year after the date of mailing of the notice of disallowance or partial disallowance of the claim, may, pursuant to section 1333 of the Act, institute an action on such claim against either the Association or the participating insurer which denied the claim, in the U.S. district court for the district in which the insured property or the major portion thereof shall have been situated, without regard to the amount in controversy.

PART 1913—EXEMPTION FROM DENIAL OF FEDERAL DISASTER BENEFITS

Sec.
1913.1 Purpose of part.
1913.2 Definition of low-income person.
1913.3 Exemption of low-income persons.

AUTHORITY: The provisions of this Part 1913 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1913.1 Purpose of part.

The purpose of this part is to state the circumstances in which the provisions of subsection 1314(a)(2) of the Act shall not apply to low-income persons. Subsection 1314(a)(2) provides that no Federal disaster assistance shall be made available to any persons for the physical loss, destruction, or damage of real or personal property to the extent that such loss, destruction, or damage could have been covered by flood insurance made available under the authority of the Act, and provided that such loss, destruction, or damage occurred subsequent to 1 year following the date flood insurance was made available in the area in which the property was located.

§ 1913.2 Definition of low-income person.

"Low-income person" means an individual or family, as defined in § 235.5 of this title, having an adjusted annual income, as defined in § 235.5 of this title, not exceeding the approved regular income limits for eligibility for housing under sections 235 and 236 of the National Housing Act (12 U.S.C. 1715 z and z–1), as periodically established by the Department for the community in which the property is situated.

§ 1913.3 Exemption of low-income persons.

The provisions of subsection 1314(a)(2) of the Act shall not be applicable to low-income persons under any circumstances.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Sec.
1914.1 Purpose of part.
1914.2 Flood insurance maps.
1914.3 Procedures under the emergency program.
1914.4 List of eligible communities.

AUTHORITIES: The provisions of this Part 1914 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968) as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1914.1 Purpose of part.

(a) Sections 1360 and 1307 of the Act contemplate that flood insurance under the regular program will be offered in communities only after the Administrator has identified the areas of special flood and/or mudslide hazards within the community under Part 1915 of this subchapter and has completed a ratemaking study for the applicant community. A period of 15 years ending July 31, 1983, was allotted for this purpose. The priorities for conducting such ratemaking studies are set forth in §§ 1909.23 and 1910.25 of this subchapter. A purpose of this part is periodically to list those communities in which ratemaking studies have been completed, actuarial rates have been established, and the sale of insurance under the regular program has been authorized.

(b) Section 1336 of the Act authorizes an emergency implementation of the Federal Flood Insurance Program whereby, for a period ending on December 31, 1971, the Administrator may make subsidized coverage available to eligible communities prior to the completion of ratemaking studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

§ 1914.2 Flood insurance maps.

(a) The following maps may be prepared for use by the Administrator and the eligible community in connection with the sale of flood insurance—

(1) *Emergency Flood Insurance Map.* This map is used to delineate an area for which the Administrator has authorized the sale of flood insurance under the emergency program. Such a map will usually be issued only when the area for which the sale of flood insurance has been authorized does not conform precisely to the boundaries of the eligible community.

(2) *Flood Insurance Rate Map.* This map is prepared after the ratemaking study for the community has been completed and actuarial rates have been established, and enables the Administrator to authorize the sale of flood insurance under the regular program. It indicates the actuarial rate zones applicable to the community. The symbols used to designate these zones are as follows:

Zone symbol	*Category*
A	Area of special flood hazards.
V	Area of special flood hazards with velocity.
B	Area of moderate flood hazards.
C	Area of minimal flood hazards.
D	Area of undetermined, but possible, flood hazards.
M	Area of special mudslide hazards.
N	Area of moderate mudslide hazards.
C	Area of minimal mudslide hazards.
P	Area of undetermined, but possible, mudslide hazards.

Areas identified as subject to both flood and mudslide hazards will be designated by use of the proper symbols in combination. For example, the symbol "AN" would indicate an area subject to both special flood hazards and moderate mudslide hazards. Areas subject to only one hazard or where both hazards are minimal will be identified by only one symbol.

(3) *Flood Hazard Boundary Map.* This map is issued or approved by the Administrator for use in determining whether individual properties are within or without the flood plain area having special flood hazards and/or the mudslide area having special mudslide hazards. Notice of the issuance or approval of new Flood Hazard Boundary Maps is given in Part 1915 of this subchapter.

(b) The Emergency Flood Insurance Map (if available) or the Flood Hazard Boundary Map and the Flood Insurance Rate Map shall be maintained for public inspection during business hours at the following locations—

(1) The Federal Insurance Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410;

(2) The National Flood Insurers Association, 160 Water Street, New York, NY 10038;

(3) The information office of the State agency or agencies designated by each State to cooperate with the Administrator in implementing the program, which shall be listed in § 1914.4 whenever a community within that State becomes eligible under the program;

(4) One or more official locations within the community in which flood insurance is offered, which shall be specified in § 1914.4 at the time the eligibility of the community is announced.

§ 1914.3 Procedures under the emergency program.

(a) In order to expedite a community's qualification for flood insurance under the emergency program, the Administrator may designate the entire community a flood plain area having special flood hazards and/or a mudslide area having special mudslide hazards. When

the Administrator has obtained sufficient technical information to delineate the special flood or mudslide hazard areas more precisely, he may delineate, or he may request the community to delineate subject to his approval, the proposed boundaries of the more limited area having special flood or mudslide hazards on the Flood Hazard Boundary Map. The local map or plat used to prepare the Flood Hazard Boundary Map must be of sufficient scale to show the location of building sites.

(b) Until the Administrator has issued or approved a local Flood Hazard Boundary Map, no flood insurance will be available for any properties newly constructed or substantially improved after a community is identified as having special flood or mudslide hazards. After the issuance or approval of the Flood Hazard Boundary Map, flood insurance for such properties will be available at chargeable rates if they are located outside of the areas then delineated as having special flood or mudslide hazards. Newly constructed or substantially improved properties located within the delineated areas having special flood or mudslide hazards will be able to obtain flood insurance (at actuarial rates) only upon the completion of a ratemaking study for the community and the subsequent issuance by the Administrator of a Flood Insurance Rate Map.

§ 1914.4 List of eligible communities.

The sale of flood insurance is authorized only for communities listed in this section. The maps of such communities are available for public inspection at the State and local repositories set forth under this section.

NOTE: For the list of communities eligible for flood insurance and the locations where Flood Insurance Rate Maps are available for public inspection, see the List of Sections Affected.

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Sec.
1915.1 Purpose of part.
1915.2 Special Flood Hazard Map.
1915.3 List of communities with special hazard areas.

AUTHORITY: The provisions of this Part 1915 issued under the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969.

§ 1915.1 Purpose of part.

Section 1360 of the Act authorizes the Administrator to identify and publish information with respect to all flood plain areas having special flood hazards and mudslide areas having special mudslide hazards. Section 1308(c) of the Act provides that once an area has been so identified, flood insurance will be made available only at actuarial rates within such area with respect to any property which is thereafter constructed or substantially improved. The purpose of this part is to list those communities and the areas thereof which have been identified by the Administrator as having such special flood or mudslide hazards. Additional communities will be added to this list from time to time as the necessary information becomes available.

§ 1915.2 Special Flood Hazard Map.

Any map showing areas having special flood or mudslide areas may be designated by the Administrator as a Special Flood Hazard Map, whether or not such map is of sufficient scale to permit the location of individual building sites. The Administrator may then furnish the Special Flood Hazard Map to the community for use in preparing a proposed Flood Hazard Boundary Map, or else he may prepare the boundary map himself. After its approval by the Administrator, the Flood Hazard Boundary Map will be made available for public inspection in accordance with § 1914.2(b).

§ 1915.3 List of communities with special hazard areas.

NOTE: For the list of communities and the designated flood or mudslide hazard areas issued under this section and not carried in the Code of Federal Regulations, see the List of Sections Affected.

Effective date. These regulations shall be effective September 10, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

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Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 467-71]

PART 51—PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965

Procedural and Interpretative Guidelines

The purpose of this order is to set forth procedural guidelines for the administration of section 5 of the Voting Rights Act.

Because these are procedural and interpretative guidelines, the provisions of 5 U.S.C. 553 do not apply. Nevertheless, proposed procedures were published in the FEDERAL REGISTER on May 28, 1971 (36 F.R. 9781), and interested persons were invited to submit written data, views, and comments during the 30-day period following publication. All comments that were received have been considered and certain modifications have been made in the proposed procedures to clarify the Attorney General's interpretation of the law and the procedures he will employ in administering it.

PART 51—PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965

Subpart A—General Provisions

Sec.
51.1 Purpose.
51.2 Definitions.
51.3 Computation of time.
51.4 Requirement of action for declaratory judgment or submission to Attorney General.

Subpart B—Procedures for Submission to the Attorney General

51.5 Form of submissions.
51.6 Time of submissions.
51.7 Premature submissions returned.
51.8 Party responsible for submitting.
51.9 Address for submissions.
51.10 Contents of submissions.
51.11 Request for notification concerning voting litigation.

Subpart C—Communications From Individuals or Groups

51.12 Communications concerning voting changes.
51.13 Establishment and maintenance of registry of interested individuals and groups.
51.14 Communications concerning voting suits.
51.15 Action on communications from individuals or groups.

Subpart D—Processing of Submissions

51.16 Notice to registrants concerning submission.
51.17 Return of inappropriate submissions.
51.18 Obtaining information regarding submissions.
51.19 Standard for decision concerning submissions.
51.20 Notification of decision not to object.
51.21 Notification of decision to object.
51.22 Expedited consideration.
51.23 Reconsideration on request.
51.24 Decision after reconsideration.
51.25 Withdrawal of objection.
51.26 Records concerning submissions.

Subpart E—Petition To Change Procedures

51.27 Petitioning party.
51.28 Form of petition.
51.29 Disposition of petition.

AUTHORITY: The provision of this Part 51 issued under 5 U.S.C. 301, 28 U.S.C. 509, 510 and section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, as amended, 84 Stat. 315 (1970), Chapter I of Title 28, Code of Federal Regulations.

Subpart A—General Provisions

§ 51.1 Purpose.

Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, prohibits the enforcement in any jurisdiction covered by section 4(a) of the Act, 42 U.S.C. 1973b, of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until the authority proposing enforcement either (1) obtains from the U.S. District Court for the District of Columbia a declaratory judgment that the plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or

color, or (2) the plan has been submitted to the Attorney General and he has interposed no objection within a 60-day period following submission. In order to carry out his responsibilities under this section of the Voting Rights Act and to make clear his interpretation of the responsibilities imposed on other individuals and entities thereunder, the procedures in this part shall govern the administration of section 5.

§ 51.2 Definitions.

(a) The terms "vote" and "voting" are used herein as defined in the Voting Rights Act of 1965, to include all action necessary to make a vote effective in any primary, special, or general election, including but not limited to, registration, listing pursuant to the Voting Rights Act of 1965, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(b) The term "change affecting voting," as used herein, shall mean any voting qualification, prerequisite to voting, standard, practice, or procedure different from that in force or effect on the date used to determine coverage by section 4(a) (November 1, 1964 or November 1, 1968, as the case may be) and shall include, but not be limited to, the examples given in § 51.4(c).

(c) The term "submission" as used herein shall mean presentation to the Attorney General by an appropriate official of any change affecting voting and an explanation of the difference between the change and the existing law or practice and such appropriate supporting materials as are included to demonstrate that the voting qualification, prerequisite to voting, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

(d) "Attorney General" shall mean the Attorney General of the United States or his delegate.

(e) The term "submitting authority" shall mean the party responsible for submitting a voting change on behalf of a State or political subdivision under § 51.8 or any other person or persons empowered to represent or act on behalf of a State or political subdivision with respect to a submission under section 5.

§ 51.3 Computation of time.

(a) The Attorney General shall have 60 days in which to interpose an objection to a submitted change affecting voting.

(b) The 60-day period shall commence upon receipt by the Department of Justice of a submission from an appropriate official, which submission satisfies the requirements of § 51.10(a). Procedures for requesting additional material and for determining the commencement of the 60-day period when a submission is inadequate are described in § 51.18.

(c) The 60-day period shall mean 60 calendar days, provided that if the final day of the period should fall on a Saturday, Sunday, or national holiday the Attorney General shall have until the close of the next full business day in which to interpose an objection. The date of the Attorney General's response shall be the date on which it is mailed to the submitting authority.

(d) When the Attorney General objects to a submitted change affecting voting, and the submitting authority seeking reconsideration of the objection brings additional information to the attention of the Attorney General, the Attorney General shall decide within 60 days of receipt of a request for reconsideration (provided that he shall have at least 15 days following a conference held at the submitting authority's request) whether to withdraw or to continue his objection.

§ 51.4 Requirement of action for declaratory judgment or submission to Attorney General.

Section 5 requires that, prior to enforcement of any change affecting voting, the State or political subdivision which has enacted or seeks to administer the change affecting voting must obtain either a judicial or an executive determination that denial or abridgment of the right to vote on account of race or color is not the purpose and will not be the effect of the change. It is illegal to enforce a change affecting voting without complying with section 5. The obligation to obtain such judicial or executive review is not relieved by illegal enforcement.

The Attorney General may bring suit or take other appropriate action to prevent or redress any denial of the right to vote on account of race or color. See 42 U.S.C. 1973j.

(a) All changes affecting voting, even though the change appears to be minor or indirect, to expand voting rights or to remove the elements which caused objection by the Attorney General to a prior submission, must either be submitted to the Attorney General or be made the subject of an action for declaratory judgment in the U.S. District Court for the District of Columbia.

(b) A submission to the Attorney General does not affect the right of the submitting authority to bring a suit in the U.S. District Court for the District of Columbia at any time, seeking a declaratory judgment that the change affecting voting does not have a racially discriminatory purpose or effect.

(c) Legislation and administrative actions constituting changes affecting voting covered by section 5 include, but are not limited to, the following examples:

(1) Any change in qualifications or eligibility for voting;

(2) Any change in procedures concerning registration, balloting, or informing or assisting citizens to register and vote;

(3) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation, or reapportionment), the location of a polling place, change to at-large elections from district elections or to district elections from at-large elections;

(4) Any alteration affecting the eligibility of persons to become or remain candidates or obtain a position on the ballot in primary or general elections or to become or remain officeholders or affecting the necessity of or methods for offering issues and propositions for approval by voting in an election;

(5) Any change in the eligibility and qualification procedures for independent candidates;

(6) Any action extending or shortening the term of an official or changing the method of selecting an official (e.g. a change from election to appointment);

(7) Any alteration in methods of counting votes.

Subpart B—Procedures for Submission to the Attorney General

§ 51.5 Form of submissions.

Submissions may be made in letter or any other written form, as long as the change affecting voting that is being submitted is clearly set forth in compliance with § 51.10(a) and the name and title of the individual and the State or political subdivision which he represents are disclosed. Submissions should be made in duplicate.

§ 51.6 Time of submissions.

Changes affecting voting should be submitted as soon as possible after the enactment or administrative decision is made and are required by law to be submitted prior to enforcement.

§ 51.7 Premature submissions returned.

The Attorney General will return without decision on the merits any proposal for a change affecting voting which has been submitted prior to final enactment or final administrative decision, provided that regarding a change as to which approval by referendum or by a court is required (e.g., an amendment to a State constitution or a reapportionment plan), the Attorney General may consider and issue a decision concerning the change prior to the referendum or the action of the court if all other action necessary for adoption has been taken.

§ 51.8 Party responsible for submitting.

Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the State or political subdivision in which the change is proposed to be effective. When one or more counties within a State will be affected, the State may submit a change affecting voting on behalf of the covered county or counties.

§ 51.9 Address for submissions.

Changes affecting voting shall be delivered or mailed to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530.

The envelope and first page of any submission shall be clearly marked: Submission under section 5, Voting Rights Act.

§ 51.10 Contents of submissions.

(a) Each submission shall include:

(1) A copy of any legislative or administrative enactment or order embodying a change affecting voting, certified by an appropriate officer of the submitting authority to be a true copy.

(2) The date of final adoption of the change affecting voting.

(3) Identification of the authority responsible for the change and the mode of decision (e.g., act of State legislature, ordinance of city council, redistricting by election officials).

(4) An explanation of the difference between the submitted change affecting voting and the existing law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the existing and proposed situation with respect to voting. When the change will affect less than the whole State or subdivision, such explanation should include a description of which subdivisions or parts thereof will be affected and how each will be affected.

(5) A statement certifying that the change affecting voting has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

(6) With respect to redistricting, annexation, and other complex changes, other information which the Attorney General determines is required to enable him to evaluate the purpose or effect of the change. Such other information may include items listed under paragraph (b) of this section. When such other information is required, the Attorney General shall notify the submitting authority in the manner provded in § 51.18(a).

(b) In addition to the requirements listed in paragraph (a) of this section, each submission may include appropriate supporting materials to assist the Attorney General in his consideration. The Attorney General strongly urges the submitting authority to include the following information insofar as it is available and relevant to the specific change submitted for consideration:

(1) A statement of the reasons for the change affecting voting.

(2) A statement of the anticipated effect of the change affecting voting.

(3) A statement identifying any past or pending litigation concerning the change affecting voting or related prior voting practices.

(4) A copy of any other changes in law or administration relating to the subject matter of the submitted change affecting voting which have been put into effect since the time when coverage under section 4 of the Voting Rights Act began and the reasons for such prior changes. If such changes have already been submitted the submitting authority may refer to the date of prior submission and identify the previously submitted changes.

(5) Where any change is made that revises the constituency which elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or changes the location of a polling place or place of registration, a map of the area to be affected showing the following:

(i) The existing boundaries of the voting unit or units sought to be changed.

(ii) The boundaries of the voting unit or units sought by the change.

(iii) Any other changes in the voting unit boundaries or in the geographical makeup of the constituency since the time that coverage under section 4 began. If such changes have already been submitted the submitting authority may refer to the date of the prior submission and identify the previously submitted changes.

(iv) Population distribution by race within the existing units.

(v) Population distribution by race within the proposed units.

(vi) Any natural boundaries or geographical features which influenced the selection of boundaries of any unit defined or proposed for the new voting units.

(vii) Location of polling places.

(6) Population information: (i) Population before and after the change, by race, of the area or areas to be affected by the change. If such information is contained in the publications of the U.S. Bureau of the Census, a statement to that effect may be included.

(ii) Voting-age population and the number of registered voters before and after the change, by race, for the area to be affected by the change. If such information is contained in the publications of the U.S. Bureau of the Census, a statement to that effect may be included.

(iii) Copies of any population estimates, by race, made in connection with adoption of the proposed change, preparation of the submission or in support thereof and the basis for such estimates.

(iv) Where a particular office or particular offices are involved, a history of the number of candidates, by race, who have run for such office in the last two elections and the results of such elections.

(7) Evidence of public notice or opportunity for the public to be heard. In examining submissions, consideration may be given, where appropriate, to evidence of public notice and opportunity for interested parties to participate in the decision to adopt or implement the proposed change and to indications that such participation in fact took place, or to evidence of notice to the public that a submission has been made soliciting comment by the public to the Department of Justice. Examples of materials demonstrating public notice or participation include:

(i) Copies of newspaper articles discussing the proposed change.

(ii) Copies of public notices (and statements regarding where they appeared, e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups) which describe the proposed change and invite public comment or participation in hearings, or which announce submission to the Attorney General and invite comments for his consideration.

(iii) Minutes or accounts of public hearings concerning the proposed changes.

(iv) Statements, speeches, and other public communications concerning the proposed changes.

(v) Copies of comments from the general public.

(vi) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

(8) Where information requested herein is relevant but not known and not believed to be available, submissions should so state.

(9) Where information furnished reflects an estimation, submissions should identify the individual and state his qualifications to make the estimate.

(10) Submissions should identify in general the source of any information they supply.

(11) When a submitting authority desires the Attorney General to consider any information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by stating the date and subject matter of the earlier submission and identifying the relevant information therein.

§ 51.11 Request for notification concerning voting litigation.

When a State or political subdivision subject to section 5 becomes involved in any litigation concerning voting, it is requested that prompt notification be sent to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. Such notification will not be considered to be a submission under section 5.

Subpart C—Communications From Individuals or Groups

§ 51.12 Communications concerning voting changes.

Any individual or group may send to the Attorney General information concerning a change affecting voting in an area to which section 5 of the Voting Rights Act applies.

(a) Communication may be in the form of a letter stating the name and address of the individual or group, describing the alleged change affecting voting and setting forth evidence regarding whether the change has or does not have a discriminatory purpose or effect or simply stating a desire that the change be called to the attention of the Attorney General. Two copies of each communication should be mailed to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and the first page of each communication should be marked: Comment, section 5, Voting Rights Act.

(b) Comments by individuals or groups concerning any change affecting voting may be submitted at any time; however, they should be submitted as soon as possible after the change affecting voting is brought to the attention of the individual or group.

(c) Department of Justice officials and employees shall comply with the request of any individual that his identity not be disclosed to any person outside the Department. In addition, whenever it appears to the Attorney General that disclosure of the identity of an individual who provided information regarding a change affecting voting could jeopardize the personal safety, employment, or economic standing of the individual, the identity of the individual shall not be disclosed to any person outside the Department of Justice.

(d) When an individual or group desires the Attorney General to consider information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by identifying the earlier submission by date and subject matter and identifying the relevant information or related communuication.

§ 51.13 Establishment and maintenance of registry of interested individuals and groups.

The Attorney General shall establish and maintain a Registry of Interested Individuals and Groups. Such registry shall contain the name, address, and telephone number of any individual or group that requests inclusion therein for purposes of receiving notice of section 5 submissions. Each registrant shall specify the area of areas with respect to which notification is requested.

§ 51.14 Communications concerning voting suits.

Individuals and groups are urged to notify the Assistant Attorney General, Civil Rights Division, of litigation concerning voting in areas subject to section 5.

§ 51.15 Action on communications from individuals or groups.

(a) If the person or entity responsible for submitting the change affecting voting has submitted the change to the Attorney General, any evidence from individuals or groups shall be considered along with the materials submitted and materials resulting from any investigation.

(b) If no submission (as defined in § 51.2(c)) has been made, the Attorney General shall advise the person or entity responsible for the alleged change of the duty to seek a declaratory judgment or to make a submission to the Attorney General before enforcement.

(c) Where no submission has been made and no declaratory judgment has been sought and a change affecting voting is enforced or is about to be enforced in a covered jurisdiction, the Attorney General may bring suit or take other appropriate action to enforce compliance with section 5 and to prevent or redress any denial or abridgment of the right to vote on account of race or color. See 42 U.S.C. 1973j.

Subpart D—Processing of Submissions

§ 51.16 Notice to registrants concerning submission.

When the Attorney General receives a section 5 submission, prompt notice thereof shall be given to the individuals and groups who have registered for this purpose in accordance with § 51.13. Such notice shall be sent to each such registrant who has requested notification concerning the area or areas affected by the submitted change.

§ 51.17 Return of inappropriate submissions.

The only changes authorized by section 5 to be submitted to and passed upon by the Attorney General are those affecting voting rights. The Attorney General shall therefore examine and make a response on the merits to only those submissions affecting voting. All others shall be returned to the submitting party without comment on their merits.

§ 51.18 Obtaining information regarding submissions.

(a) If the submission does not satisfy the requirements of § 51.10(a), the Attorney General shall request such further information as is necessary from the submitting authority and advise the submitting authority that the 60-day period will not commence until such information is received by the Department of Justice. The request shall be made as promptly as possible after receipt of the original inadequate submission.

(b) After receipt of a submission which satisfies the requirements of § 51.10(a), the Attorney General may at any time during the 60-day period:

(1) Request additional information from the submitting authority,

(2) Request information from other local authorities or interested individuals or groups,

(3) Conduct such investigation or inquiry as he deems appropriate.

(c) If the submission does not contain adequate evidence of notice to the public, and the Attorney General believes that racial purpose or effect is possible, he may take steps to provide public notice sufficient to invite interested citizens to provide evidence as to the presence or absence of racially discriminatory purpose or effect. The authority responsible for the submission shall be advised when any such steps are taken by the Attorney General.

§ 51.19 Standard for decision concerning submissions.

Section 5, in providing for submission to the Attorney General as an alternative to seeking a declaratory judgment from the U.S. District Court for the District of Columbia, imposes on the Attorney General what is essentially a judicial function. Therefore, the burden of proof on the submitting authority is the same in submitting changes to the Attorney General as it would be in submitting changes to the District Court for the District of Columbia. The Attorney General shall base his decision on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation conducted by the Department of Justice. If the Attorney General is satisfied that the submitted change does not have a racially discriminatory purpose or effect, he will not object to the change and will so notify the submitting authority. If the Attorney General determines that the submitted change has a racially discriminatory purpose or effect, he will enter an objection and will so notify the submitting authority. If the evidence as to the purpose or effect of the change is conflicting, and the Attorney General is unable to resolve the conflict within the 60-day period, he shall, consistent with the above-described burden of proof applicable in the District Court, enter an objection and so notify the submitting authority.

§ 51.20 Notification of decision not to object.

(a) If the Attorney General decides to interpose no objection to a submitted change affecting voting, the submitting authority shall be notified to that effect.

(b) The notification shall state that the failure of the Attorney General to object does not bar subsequent litigation to enjoin enforcement of the change.

(c) A copy of the notification shall be sent to any party who has commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.21 Notification of decision to object.

(a) When the Attorney General decides to interpose an objection, the submitting authority shall be notified within the 60-day period allowed. The reasons for the decision shall be stated.

(b) The submitting authority shall be advised that the Attorney General will reconsider his objection upon a request by the submitting authority within 10 days of such objection, for an opportunity to present further substantiating or explanatory information which was not previously available to the submitting authority. In appropriate cases, the Attorney General may request that local public notice of the request for reconsideration be given by the submitting authority.

(c) The submitting authority shall be advised further that it may request a conference with a representative of the Department of Justice to reconsider an objection when such new information has become available.

(d) A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.22 Expedited consideration.

When a submitting authority demonstrates good cause for special expedited consideration to permit enforcement of a change affecting voting within the 60-day period following submission (good cause will, in general, only be found to

exist with respect to changes made necessary by circumstances beyond the control of the enacting or submitting authorities), the Attorney General may consider the submission on an expedited basis. Prompt notice of the request for expedited consideration will be given to interested parties registered in accordance with § 51.13. When a decision not to object is made within the 60-day period following receipt of a submission which satisfies the requirements of § 51.10(a), the Attorney General may reexamine the submission if additional information comes to his attention during the remainder of the 60-day period which would require objection in accordance with § 51.19.

§ 51.23 Reconsideration on request.

(a) If a submitting authority requests a conference to produce information not previously available to it in support of reconsideration of an objection by the Attorney General, a meeting shall be held at a location determined by the Attorney General.

(b) When a submitting authority requests that a conference be held concerning a change affecting voting to which the Attorney General has objected, individuals or groups that commented on the change prior to the Attorney General's objection or that seek to participate in response to any public or other notice of a request for reconsideration shall be notified and given the opportunity to confer.

(c) Such a conference shall be conducted by the Assistant Attorney General, Civil Rights Division, or his designee in an informal manner. Those present will be permitted to present facts in support of their positions.

(d) The Assistant Attorney General or the person he has designated to conduct the conference may, in his discretion, choose to hold separate meetings to confer with the submitting authority and interested groups or individuals.

§ 51.24 Decision after reconsideration.

An objection shall be withdrawn if the submitting authority can produce information not previously available to it which satisfies the Attorney General that the change does not have a racially discriminatory purpose or effect. The Attorney General shall notify the submitting authority within 60 days of the request for reconsideration (provided that the Attorney General shall have at least 15 days following any conference that is held in which to decide) of his decision to continue or withdraw an objection, giving the reasons for his decision. A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.25 Withdrawal of objection.

Where there has been a substantial change in fact or law, the Attorney General may, if he deems it appropriate, withdraw an objection on his own motion if he determines that the objection is not in accord with the standard for decision in § 51.19. Notification of the withdrawal of an objection shall be sent to the submitting authority and to any party that commented on the submission or has requested notice of the Attorney General's action thereon.

§ 51.26 Records concerning submissions.

(a) Section 5 files: The Attorney General shall maintain a section 5 file for each submission, containing the submission, related written materials, correspondence, notations concerning conferences with the submitting authority or any interested individual or group and a copy of any letters from the Attorney General concerning his decision whether to object to a submission. Communications from individuals who have requested confidentiality or with respect to whom the Attorney General has determined that confidentiality is appropriate under § 51.12(c) shall not be included in the section 5 file. Investigative reports and internal memoranda shall not be included in the section 5 file.

(b) Chronological file: Brief summaries regarding each submission and the Department of Justice investigation and decision concerning it will be prepared when the decision whether to interpose an objection has been made. A chronological file of these summaries, arranged by the date upon which such decision is made, will be maintained.

(c) The contents of the above-described section 5 and chronological files will be available for inspection and copying by the public during normal business hours at the Civil Rights Division, Department of Justice, Washington, D.C. Consistent with the Department of Justice regulation implementing the Public Information Section of the Administrative Procedure Act, 28 CFR 16.4, the fees for copying the contents of these files will be 50 cents for the first page and 25 cents for each additional page.

(d) The Attorney General may, at his discretion, call to the attention of the submitting authority or an interested individual or group information or comments related to a submission.

Subpart E—Petition To Change Procedures

§ 51.27 Petitioning party.

Any interested individual or group may petition to have these procedures amended by new provisions.

§ 51.28 Form of petition.

A petition under this subpart may be made by informal letter and shall state the name and address of the petitioner, the change requested and the reasons for requesting the change.

§ 51.29 Disposition of petition.

The Attorney General will consider a petition under this section and make a disposition thereof. Prompt notice, accompanied by a simple statement of the reasons, shall be given to the petitioner if the petition is denied in whole or in part.

Dated: August 31, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-13299 Filed 9-9-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-19-AD; Amdt. 39-1287]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 757 (29 F.R. 8474), AD 64-15-3, as amended by Amendment 801 (29 F.R. 12068), established new service life limits and rework limitations for certain flap system components on McDonnell Douglas Model DC-8 Series Airplanes (except Model DC-8F). Paragraph (e) of AD 64-15-3 specifies the life limits for compensating flap actuating links, P/N's 3648268, 3648269, and 3648270. To improve the service life of these links, McDonnell Douglas subsequently revised the manner of retaining the links to the actuating cylinder shaft, as shown on revised installation drawings 4717381A, 4717382B, and 3717383B. The revised links were assigned new part numbers which are not listed in AD 64-15-3.

The manufacturer has advised the Agency that a limited number of the 3648268, 3648269, 3648270 links were installed per the revised installation drawings noted above but were not reidentified. These few links are not subject to the service life limits listed in AD 64-15-3, and paragraph (e) of the AD must be revised accordingly.

Since this amendment relieves a limitation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the FARs, Amendment 757 (29 F.R. 8474), AD 64-15-3, as amended by Amendment 801 (29 F.R. 12068), is further amended to add the following Note after paragraph (e)(3):

NOTE: Due to the improved orientation of the 0.250/0.254 inch diameter lock pin hole, compensating flap actuating link P/N's 3648268, 3648269, and 3648270 which have had that hole drilled in accordance with McDonnell Douglas Assembly Drawing Nos. 4717382 (Change letter B or later), 4717381 (change letter A or later), and 4717383 (change letter B or later), respectively, are not subject to the service life limits of paragraph (e) above.

This amendment becomes effective September 11, 1971.

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

Issued in Los Angeles, Calif., on August 31, 1971.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.71-13283 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-WA-32]

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

Alteration and Revocation of Federal Airway Segments; Revocation and Designation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter a segment of Green Federal Airway No. 7; revoke Alaskan VOR Federal Airway No. 452 north alternate segment between Nome, Alaska and Moses Point, Alaska; revoke Moses Point, Alaska, RR reporting point and designate Norton Bay, Alaska, reporting point.

The Moses Point radio range is scheduled to be converted to a nondirectional radio beacon and will be relocated to a site (lat. 54°41'46" N., long. 162°02'55" W.) near Norton Bay, Alaska, on October 14, 1971. In addition, it has been determined that the north alternate segment of Alaskan V-452 is no longer required for air traffic control purposes. Accordingly, action is taken herein to realine Green 7 segment from the Nome radio range via the Norton Bay radio beacon to the Galena, Alaska, radio beacon; revoke Alaskan V-452 north alternate segment; revoke Moses Point RR low altitude reporting point and designate Norton Bay, Alaska RBN, low altitude reporting point.

Since these amendments are minor in nature and restore airspace to the general public and relieve an assignment of airspace for IFR operation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 14, 1971, as hereinafter set forth.

1. In § 71.103 (36 F.R. 2007) G-7 is amended by deleting all between "Nome, Alaska, RR," and "Galena, Alaska, RBN;" and substituting "Norton Bay, Alaska, RBN; 46 miles, 57 miles, 55 MSL," therefor.

2. In § 71.125 (36 F.R. 2042) V-452 is amended by deleting all before "47 miles" and substituting "From Nome, Alaska, via Moses Point, Alaska;" therefor.

3. In § 71.211 (36 F.R. 2313) "Moses Point, Alaska, RR" is deleted and "Norton Bay, Alaska, RBN" is substituted therefor.

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

Issued in Washington, D.C., on September 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13293 Filed 9-9-71;8:48 am]

[Airspace Docket No. 71-WA-18]

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

Alteration of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter segments of Hawaiian VOR Federal Airways Nos. 1 and 13.

As presently described V-1 Hawaii and V-13 Hawaii are in error as follows:

1. V-1 is described as beginning at the intersection of the Upolo Point, Hawaii, VORTAC 093°T (082°M) and Hilo, Hawaii, VORTAC 334°T (323°M) radials. It should be described as beginning at the intersection of Upolo Point VORTAC 093°T (082°M) and Hilo VORTAC 336°T (325°M) radials.

2. The floor of V-13 from the Bamboo intersection to the Frog intersection is described as 1,200 feet above the surface. The floor should be changed to 2,500 feet MSL from the Bamboo intersection to the Frog intersection.

Action is taken herein to show these changes.

Since these actions involve, in part, navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since these amendments are minor and editorial in nature and restore airspace to the public use, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (9-10-71), as hereinafter set forth.

Section 71.127 (36 F.R. 2043) is amended as follows:

1. In V-1 Hawaii "334°" is deleted and "336°" is substituted therefor.

2. In V-13 Hawaii all after "Koko Head, Hawaii, 254° radials;" is deleted and "Koko Head, 14 miles, 25 MSL, INT Koko Head 050° and Molokai 015° radial and the Honolulu FIR/Oceanic CTA." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13292 Filed 9-9-71;8:48 am]

[Airspace Docket No. 71-EA-32]

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

Alteration of Control Zone and Transition Area

On page 13335 of the FEDERAL REGISTER for July 20, 1971, the Federal Aviation Administration published proposed regulations which would alter the Weyers Cave, Va., control zone (36 F.R. 2137) and transition area (36 F.R. 2293).

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

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., November 11, 1971.

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

Issued in Jamaica, N.Y., on August 30, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

Within a 5-mile radius of the center (38° 15'49" N., 78°53'46" W.), of Shenandoah Valley Airport, Weyers Cave, Va., and within 3 miles each side of the 218° bearing and the 038° bearing from the Staunton LOM extending from the 5-mile radius zone to 8.5 miles southwest of the LOM. This control zone is effective from 0600 to 2400 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Weyers Cave, Va., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (38°15'49" N., 78°53'46" W.) of Shenandoah Valley Airport, Weyers Cave, Va., within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Staunton LOM extending from the LOM to 11.5 miles southwest; within a 7.5-mile radius of the center (38°21'58" N., 78°57'35" W.) of Bridgewater Airpark, Bridgewater, Va. and within 4.5 miles northwest and 6.5 miles southeast of the 210° bearing and the 030° bearing from the Bridgewater RBN (38°21'56" N., 78°57'41" W.), extending from 5.5 miles northeast of the RBN to 11.5 miles southwest of the RBN.

[FR Doc.71-13287 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-EA-77]

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

Designation of Transition Area

On page 13157 of the FEDERAL REGISTER for July 15, 1971, the Federal Aviation

Administration published a proposed regulation which would designate a Birch Hollow, Va., transition area.

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

In view of the foregoing, the proposed regulation is hereby adopted effective 0901 G.m.t., November 11, 1971.

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

Issued in Jamaica, N.Y., on August 27, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

BIRCH HOLLOW, VA.

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

[FR Doc.71-13285 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-SO-126]

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

Designation of Transition Area

On July 23, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 13689), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Ahoskie, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

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

AHOSKIE, N.C.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 2 miles each side of Cofield VORTAC 255° radial, extending from the 5-mile-radius area to 13 miles west of the VORTAC.

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

Issued in East Point, Ga., on August 31, 1971.

W. J. McGILL,
Acting Director, Southern Region.

[FR Doc.71-13291 Filed 9-9-71;8:48 am]

[Airspace Docket No. 71-SO-44]

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

Alteration of Transition Area

On July 8, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 12864) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would amend the Florida transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140, 15742 and 15743) "Florida" transition area is amended by adding the following at the end of the text: "Including the airspace south of Pensacola, Fla., extending upward from 2,000 feet MSL, bounded by a line beginning at the intersection of long. 88°01'30" W. and a line 3 NM from and parallel to the shoreline, thence east along a line 3 NM from and parallel to the shoreline to long. 86°48'00" W., thence south along long. 86°48'00" W., to lat. 29°25'20" N., thence west to lat. 29°36'00" N., long. 88°01'30" W., thence north along long. 88°01'30" W. to point of beginning; excluding the portion that coincides with the 1,200-foot transition area."

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Washington, D.C., on September 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13290 Filed 9-9-71;8:48 am]

[Airspace Docket No. 71-EA-85]

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

Designation of Transition Area

On page 13336 of the FEDERAL REGISTER for July 20, 1971, the Federal Aviation Administration published a proposed regulation which would designate an Oakland, Md., transition area.

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

In view of the foregoing, the proposed regulation is hereby adopted effective 0901 G.m.t., November 11, 1971.

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

Issued in Jamaica, N.Y., on August 30, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

OAKLAND, MD.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 39°34'49" N., 79°20'25" W. of Garrett County Airport, Oakland, Md., and within 2 miles each side of the Grantsville VORTAC 256° radial, extending from the 6-mile-radius area to 9 miles west of the VORTAC.

[FR Doc.71-13288 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-EA-75]

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

Alteration of Control Zone

On page 13157 of the FEDERAL REGISTER for July 15, 1971, the Federal Aviation Administration published a proposed regulation which would alter the Oceana, Va., control zone (36 F.R. 2112).

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., November 11, 1971.

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

Issued in Jamaica, N.Y., on August 27, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

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

OCEANA, VA.

Within a 5-mile-radius area of the center, 36°50'00" N., 76°01'45" W. of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 225° radial extending from the 5-mile-radius zone to 10 miles southwest of the TACAN; within 3.5 miles each side of a 187° bearing from the Navy Oceana RBN extending from the 5-mile-radius zone to 9 miles south of the RBN and within a 3-mile radius of the center of 36°42'15" N., 76°08'00" W. of ALF Fentress excluding the portion within R-6606.

[FR Doc.71-13284 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-EA-79]

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

Alteration of Transition Area

On page 13336 of the FEDERAL REGISTER for July 20, 1971, the Federal Aviation Administration published a proposed regulation which would alter the Wellsville, N.Y., transition area (36 F.R. 2292).

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

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., November 11, 1971.

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

Issued in Jamaica, N.Y., on August 30, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Wellsville, N.Y., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center (42°06'34" N., 77°59'59" W.) of Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y. and within 3.5 miles each side of the Wellsville, N.Y., VOR 196 radial extending from the 9-mile-radius area to 11.5 miles south of the VOR.

[FR Doc.71-13286 Filed 9-9-71;8:47 am]

[Airspace Docket No. 71-RM-15]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-6404B, Hill AFB Range North, Utah, by redesignating it as two separate restricted areas.

This action is taken to facilitate coordination of joint use procedures, minimize the impact of restricted airspace on other flight operations and simplify depiction on aeronautical charts. The Department of the Air Force concurred in the proposal.

Since this amendment is editorial in nature and one in which the public is not particularly interested, notice and public procedure hereon are unnecessary and this amendment may be made effective immediately. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 11, 1971, as hereinafter set forth.

Section 73.64 (36 F.R. 2360) is amended by subdividing restricted area R-6404B, Hill AFB Range North, Utah, as follows:

R-6404B, HILL AFB RANGE NORTH, UTAH

Boundaries: Beginning at latitude 41°15'-00" N., longitude 113°43'50" W.; to latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 113°-41'40" W.; to the point of beginning.

Designated altitudes: Surface to flight level 600.

Time of designation: Sunrise to sunset.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using Agency: Commander, Hill AFB, Utah.

R-6404C, HILL AFB RANGE EAST, UTAH

Boundaries: Beginning at latitude 41°11'-40" N., longitude 112°56'30" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°-56'30" W.; to point of beginning.

Designated altitudes: Surface to flight level 600. Surface to 10,000 feet MSL.

Time of designation: Sunrise to sunset, surface to flight level 600. Sunset to 0100 local time, surface to 10,000 feet MSL.

Controlling agency: Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency: Commander, Hill AFB, Utah.

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

Issued in Washington, D.C., on September 3, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13289 Filed 9-9-71;8:47 am]

[Docket No. 11367; Amdt. 773]

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 (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's 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 for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's 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 SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's 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 SIAP's, effective October 7, 1971:

Endicott, N.Y.—Tri Cities Airport; VOR-A, Amdt. 1; Revised.
Glens Falls, N.Y.—Warren County Airport; VOR Runway 1, Amdt. 6; Revised.
Newark, N.J.—Newark Airport; VOR Runway 11, Amdt. 2; Revised.
New York, N.Y.—La Guardia Airport; VOR-A, Amdt. 9; Revised.
New York, N.Y.—La Guardia Airport; VOR-C, Amdt. 2; Revised.
Glens Falls, N.Y.—Warren County Airport; VOR/DME Runway 1, Original; Established.
Glens Falls, N.Y.—Warren County Airport; VOR/DME Runway 19, Amdt. 4; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective September 16, 1971:

Chicago (Wheeling), Ill.—Chicagoland Airport; VOR-A, Original; Established.
Chicago (Wheeling), Ill.—Chicagoland Airport; VOR Runway 22, Amdt. 2; Canceled.
Chicago, Ill.—Pal-Waukee Airport; VOR Runway 16, Amdt. 12; Revised.
Crystal Lake, Ill.—Crystal Lake Airport; VOR-A, Amdt. 3; Canceled.
Crystal Lake, Ill.—Crystal Lake Airport; VOR Runway 26, Original; Established.
Northbrook, Ill.—Sky Harbor Airport; VOR-A, Amdt. 6; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAP's, effective October 7, 1971:

Allentown, Pa. — Allentown-Bethlehem-Easton Airport; LOC(BC) Runday 24, Amdt. 10; Revised.
Toledo, Ohio — Toledo Express Airport; LOC (BC) Runway 25, Amdt. 9; Revised.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective October 7, 1971:

Corinth, Miss.—Roscoe Turner Airport; NDB Runway 17, Amdt. 1; Revised.
Corinth, Miss.—Roscoe Turner Airport; NDB Runway 35, Amdt. 1; Revised.
Newark, N.J.—Newark Airport; NDB Runway 4L, Amdt. 3; Revised.
Newark, N.J.—Newark Airport; NDB Runway 22R, Amdt. 2; Revised.
Toledo, Ohio—Toledo Express Airport; NDB Runway 7, Amdt. 13; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective October 7, 1971:

Allentown, Pa. — Allentown-Bethlehem-Easton Airport; ILS Runway 6, Amdt. 15; Revised.
Newark, N.J.—Newark Airport; ILS Runway 4L, Amdt. 3; Revised.
Newark, N.J.—Newark Airport; ILS Runway 22R, Amdt. 3; Revised.
Palmdale, Calif.—Palmdale Production FLT/Test Installation AF Plant No. 42 Airport; ILS Runway 25, Amdt. 2; Revised.
Toledo, Ohio—Toledo Express Airport; ILS Runway 7, Amdt. 13; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective September 16, 1971:

Traverse City, Mich.—Cherry Capital Airport; ILS Runway 28, Original; Established.

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

Issued in Washington, D.C., on AUGUST 3, 1971.

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

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

[FR Doc. 71-13205 Filed 9-9-71;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-5; Docket No. OPS-11]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Extension of Time for Confirmation or Revision of Maximum Allowable Operating Pressure

The purpose of this amendment is to extend the time under § 192.607(b) for completing confirmation or revision of the maximum allowable operating pressure (MAOP) of pipelines operating at more than 40 percent of specified minimum yield strength (SMYS). The amendment also provides for the preparation of comprehensive plans for the completion of this work.

On August 11, 1970, the Department issued Federal safety standards for the transportation of gas and pipeline facilities (35 F.R. 13247, August 19, 1970) replacing the interim standards which had been in effect since 1968. These standards established new definitions for class locations which, among other things, are utilized in the establishment of MAOP for pipelines operating at more than 40 percent of SMYS. Concomitantly, a requirement was included that a study be conducted of all pipelines operating at more than 40 percent of SMYS to ascertain their class location, and that the MAOP of these pipelines be confirmed or revised in two steps, by January 1, 1972 and January 1, 1973.

However, the Department recognized that considerable diversity of opinion existed as to the time required to complete confirmation or revision of the MAOP of these pipelines and that information on the number of class location changes was incomplete. It was therefore indicated that a public hearing would be held subsequent to the study to give all interested parties an opportunity to recommend adjustments to the schedule set forth in § 192.607(b). That hearing was held on May 12, 1971, and information and recommendations were presented by one industry organization and by a number of operators. The transcript of the hearing and copies of written submissions are included in the public docket on this amendment.

Based on the information presented, the Department believes that an extension of the time for confirmation or revision of MAOP is warranted. This extension will permit more effective use of exchange agreements to avoid disruption of gas supplies. In order to meet the 1972 and 1973 deadlines, the operators would have to complete confirmation or revision of operating pressures before completion of the construction or uprating necessary to maintain established throughput. In many cases, this would result in reduction of operating pressures, causing a substantial curtailment of already short gas supplies. In view of the continuing shortage of energy in some areas of the country, it would not be desirable to require pressure reductions that could disrupt service or cause reduction of storage volumes. In addition, the extension of time permits more efficient utilization of the manpower and equipment available for construction and uprating of pipelines.

Therefore, the time for completing a confirmation or revision determined to be necessary by the study is extended for 2 years, through the end of 1974, with a single completion date for all pipelines rather than a two-step deadline as is now provided. To assure completion within that time, each operator must prepare a comprehensive plan, including a schedule, for carrying out these confirmations or revisions. This plan must be modified periodically in accordance with § 192.13(c) so as to reflect changing conditions and to assure completion within the required time.

A related change has also been made to § 192.611(e) which established the minimum time for confirming or revising the MAOP due to a class location change occurring subsequent to the April 15 study. Since pipeline construction and testing cannot be conducted in many areas of the country during the winter months and since several months lead time is usually required to plan for continuity of service, to order materials, and to design the facilities, one year generally is not adequate for this purpose. Therefore, the time period has been extended to 18 months. This assures the operator of adequate planning time in advance of a construction season before he begins the work and testing associated with confirmation or revision.

The change to § 192.611(e) is made so as to provide for integrating future confirmations or revisions with the overall comprehensive plan. Existing confirmation or revision projects and those which are required by class location changes occurring before July 1, 1973, must be included in the initial comprehensive plan or integrated into it as they become necessary. These confirmations or revisions must be completed no later than the time for completion of the overall plan, i.e., by December 31, 1974. Confirmation or revision required by a change in class location occurring on or after July 1, 1973, must be completed within 18 months of the change in class location. These requirements are also reflected in the second sentence of § 192.607(c).

Since the operators are making a concerted effort during the present construction season to meet the earlier deadlines, and since this is a substantive change that relieves a restriction, I find that notice and public procedure thereon are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, part 192 of title 49 of the Code of Federal Regulations is amended as follows, effective immediately.

1. Section 192.607 is amended by revising the section heading and paragraph (b), and by adding a new paragraph (c) at the end thereof, to read as follows:

§ 192.607 Plan for confirmation or revision of maximum allowable operating pressure.

* * * * *

(b) Each segment of pipeline that has been determined under paragraph (a) of this section to have an established maximum allowable operating pressure producing a hoop stress that is not commensurate with the class location of the segment of pipeline and that is found to be in satisfactory condition, must have the maximum allowable operating pressure confirmed or revised in accordance with § 192.611. The confirmation or revision must be completed not later than December 31, 1974.

(c) Each operator required to confirm or revise an established maximum allowable operating pressure under paragraph (b) of this section shall, not later than December 31, 1971, prepare a comprehensive plan, including a schedule, for carrying out the confirmations or revisions. The comprehensive plan must also provide for confirmations or revisions determined to be necessary under § 192.609, to the extent that they are caused by changes in class locations taking place before July 1, 1973.

2. Section 192.611(e) is revised to read as follows:

§ 192.611 Change in class location: Confirmation or revision of maximum allowable operating pressure.

* * * * *

(e) Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under § 192.609 must be completed as follows:

(1) Confirmation or revision due to changes in class location that occur before July 1, 1973, must be completed not later than December 31, 1974.

(2) Confirmation or revision due to changes in class location that occur on or after July 1, 1973, must be completed within 18 months of the change in class location.

(Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. Sec. 1671 et seq.; Part 1, Regulations of the Office of the Secretary of Transportation, 49 CFR Part 1, delegation of authority to the Director, Office of Pipeline Safety, November 6, 1968 (33 F.R. 16468))

Issued in Washington, D.C., on September 7, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71-13296 Filed 9-9-71;8:48 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter 1—Veterans' Administration

PART 36—LOAN GUARANTY

Mobile Home Loans

In § 36.4232(a), subparagraphs (5) and (6) are amended to read as follows:

§ 36.4232 Allowable fees and charges; mobile home unit.

(a) Incident to the origination of a guaranteed loan for the purchase of a mobile home unit only, no charge shall be made against, or paid by, the veteran-borrower without the express prior approval of the Administrator except as follows:

* * * * *

(5) The actual cost of transportation or freight not to exceed $400 or not to exceed $600 when the mobile home consists of two or more modules,

(6) Setup charges for installing the mobile home on site, not to exceed $200 or not to exceed $400 when the mobile home consists of two or more modules.

* * * * *

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

This VA Regulation is effective upon publication in the FEDERAL REGISTER (9-10-71).

Approved: September 3, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-13302 Filed 9-9-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Alamosa National Wildlife Refuge and Monte Vista National Wildlife Refuge, Colo.; Correction

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

In F.R. Doc. 71-12697, appearing on page 17432 of the issue for Tuesday, August 31, 1971, main paragraph, hunting seasons (§ 32.12) should read as follows: mourning doves, from October 2 through October 14, 1971, inclusive; sora and Virginia rails, from October 2 through October 14, 1971, inclusive, and from November 1 through November 9, 1971, inclusive; Wilson's snipe, from October 2 through October 14, 1971, inclusive, and from November 1 through November 4, 1971, inclusive.

MONTE VISTA NATIONAL WILDLIFE REFUGE

In F.R. Doc. 71-12697, appearing on page 17433 of the issue for Tuesday, August 31, 1971, main paragraph, hunting seasons (§ 32.12) should read as follows: mourning doves, from October 2 through October 14, 1971, inclusive; sora and Virginia rails, from October 2 through October 14, 1971, inclusive, and from November 1 through November 9, 1971, inclusive; Wilson's snipe, from October 2 through October 14, 1971, inclusive, and from November 1 through November 4, 1971, inclusive.

WILLIAM M. WHITE,
Acting Regional Director,
Albuquerque, N. Mex.

SEPTEMBER 1, 1971.

[FR Doc.71-13269 Filed 9-9-71;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-10-71). These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

General conditions: Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designation 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 offce of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Northeast Irving, Portland, OR 97208.

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

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99383.

Special conditions (McNary Division):

1. Hunters are required to park vehicles in designated parking areas.

2. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

Special conditions (Ringold Division):

1. Hunting will be permitted on Wednesdays, Saturdays, and Sundays, and November 25, 1971.

2. Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

3. Hunters will be required to evacuate the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, WA 98642.

Special conditions:

1. Hunting will be permitted on Wednesdays, Saturdays, Sundays, and November 25, 1971.

2. A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail for advance reservations. Only one reservation may be held by a hunter at any one time.

3. Hunters must shoot from assigned blinds drawn at the check-in station.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, WA 98948.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, WA 98948.)

Umatilla National Wildlife Refuge, Post Office Box 239, Umatilla, OR 97882.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special condition:

1. Hunting on Riekkola Tract is permitted on Wednesdays, Saturdays, and Sundays, and November 25, 1971.

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

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

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

Special conditions:

1. Open to the hunting of rabbits in addition to game birds.

2. Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

McNary National Wildlife Refuge, Post Office Box 19, Burbank, WA 99323.

Special conditions:

1. Hunting will be restricted to pheasants only on McNary National Wildlife Refuge proper.

2. Pheasant hunting will be restricted to Wednesdays, Saturdays, Sundays, and November 25, 1971.

3. Hunters are required to park vehicles in designated parking areas.

Special conditions (Ringold Division):

1. Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 25, 1971.

2. Hunters may not enter the area earlier than 1 hour before start of shooting time and must be off the area 1 hour after close of shooting time.

3. Hunters must leave the area immediately if an alarm is sounded to warn of radiological hazard from the AEC Plant.

4. Hunters are required to park vehicles in designated parking areas.

Ridgefield National Wildlife Refuge, Post Office Box 467, Ridgefield, WA 98624.

Special conditions:

1. Hunting for pheasant and rabbits only in conjunction with waterfowl hunting will be permitted. The restriction on shooting from blinds only will apply.

2. Hunting will be restricted to Wednesdays, Saturdays, and Sundays, and November 25, 1971.

3. A Federal permit is required to enter the public hunting area.

Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, WA 98948.

Special condition:

1. Rabbits may be hunted during the State season concurrent with the waterfowl season.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, WA 98948.)

Special condition:

1. Cottontail rabbit and snowshoe hare may be hunted during the State season concurrent with the waterfowl season.

Umatilla National Wildlife Refuge, Umatilla, Oreg. 97882.

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624. (Leadbetter Point Addition).

Special condition:

1. Pheasant only may be hunted.

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

Deer hunting is permitted on the following refuge areas:

Columbia National Wildlife Refuge, Post Office Drawer F, Othello, WA 99344.

Conboy Lake National Wildlife Refuge, Glenwood, Wash. (Headquarters: Toppenish National Wildlife Refuge, Route 1, Box 210-BB, Toppenish, WA 98948.)

Umatilla National Wildlife Refuge, Umatilla, Oreg. 97882.

Bear, deer, and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Wash. 98624.

Special conditions:

1. Archery hunting only is permitted.

2. Hunters shall report at such check stations as may be established upon entering and leaving the area.

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.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 26, 1971.

[FR Doc.71-13326 Filed 9-9-71;8:51 am]

PART 32—HUNTING

Mark Twain National Wildlife Refuge, Iowa

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9-10-71).

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

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

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

(1) Blinds—No permanent structure, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

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 December 12, 1971.

TRAVIS S. ROBERTS,
Regional Director.

SEPTEMBER 1, 1971.

[FR Doc.71-13270 Filed 9-9-71;8:46 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-10-71).

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Mich., 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 covering the hunting of Woodcock and Wilson's Snipe (Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, All-Terrain Vehicles, and snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements 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 14, 1971.

TRAVIS S. ROBERTS,
Regional Director.

AUGUST 31, 1971.

[FR Doc.71-13272 Filed 9-9-71;8:46 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (9-10-71).

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

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

Public hunting of ducks, geese, and coots on the Tamarac National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn. 56578, 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 and Federal regulations.

Ducks and coots may be taken from October 2, 1971, through November 20, 1971. Hunting of canada geese will be allowed only from October 2, 1971, through October 10, 1971. All other geese will be hunted from October 2, 1971, through December 10, 1971.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1971.

TRAVIS S. ROBERTS,
Regional Director.

AUGUST 31, 1971.

[FR Doc.71-13273 Filed 9-9-71;8:46 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9–10–71).

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

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on the Sand Lake National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas totaling 240 acres, are designated on a map available from the refuge headquarters and from the Regionl 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 waterfowl subject to the following conditions:

(1) The open season for hunting geese on the refuge is from October 2, 1971, through December 15, 1971, inclusive. The open season for hunting ducks and coots on the refuge is from October 2, 1971, through December 10, 1971, inclusive.

(2) Hunting will be from established blind sites only, without cost, with each site restricted to not to exceed two hunters, and on a first-come, first-served basis. Blind sites and their use are more specifically described on a map and a list of regulations available at each of the hunting sites.

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 15, 1971.

TRAVIS S. ROBERTS,
Regional Director.

AUGUST 31, 1971.

[FR Doc.71-13271 Filed 9-9-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 724, 726]

BURLEY TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quota Regulations—1971–72 and Subsequent Marketing Years

Pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Secretary is preparing to amend the regulations (33 F.R. 15521, as amended) for establishing farm marketing quotas, the issuance of marketing cards, the identification of marketings, the collection and refund of penalties, and records and reports incident thereto for burley tobacco.

Burley tobacco marketing quota regulations are now contained in Part 724 of this chapter together with certain other kinds of tobacco. Burley tobacco farm marketing quotas are now on a poundage basis, whereas quotas for the other kinds of tobacco are on an acreage basis. It is desirable that burley tobacco regulations be separated from those for the other kinds of tobacco. It is therefore proposed that all burley tobacco marketing quota regulations be revised and consolidated into a new Part 726. The regulations in Part 724 applicable to burley tobacco will continue in effect for years prior to the 1971–72 marketing year and for the determination of farm marketing quotas for the 1971–72 marketing year.

The proposed changes incorporate amendments 10 and 11 to Part 724 and make other changes considered necessary to operate the burley poundage program. Significant changes are as follows:

1. Sections 726.56 and 726.57 establish the basis for determining preliminary and farm marketing quotas for 1972 and later years.

2. Sections 726.59, 726.60, and 726.61 establish the basis for determining farm yields and marketing quotas for farms reconstituted for 1972 and later years.

3. Section 726.80 establishes the basis for identification of burley tobacco.

4. Sections 726.81 through 726.84 establish the basis for issuing, claim stamping, replacing and handling invalid or misused marketing cards.

5. Section 726.86 establishes the basis for determining the penalty rate and proposes the penalty rate for the 1971–72 marketing year.

6. Sections 726.72, 726.93, and 726.94 establish records and reports to be required for producers, warehousemen, and dealers. Since Maryland (type 32) tobacco, a nonquota kind, is being grown in the burley producing area, and since some burley excess tobacco may be presented for sale as Maryland tobacco, it is desirable that warehousemen and dealers in the burley area keep separate records and reports for any Maryland tobacco handled. Also, an inspection of the tobacco by the Consumer and Marketing Service is considered necessary to distinguish Maryland tobacco from burley tobacco.

7. Section 726.96 will require that persons in the burley tobacco producing area who redry, stem, prize, or store tobacco keep records of their transactions and report to the State executive director annually the name, address, and pounds handled for each account that does not exceed 100,000 pounds.

The proposed regulations are as follows:

§ 726.50 Basis and purpose.

The regulations contained in §§ 726.50 through 726.104 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are applicable to burley tobacco for the 1971–72 and subsequent marketing years, except that the regulations in Part 724 are applicable for the determination of farm marketing quotas for the 1971–72 marketing year. They govern the establishment of farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the keeping of records and making of reports incident thereto. The applicability of the regulations for any marketing year subsequent to the 1971–72 marketing year is contingent upon the proclamation of a national marketing quota for such year pursuant to sections 312 and 319(a) of the Act.

§ 726.51 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases

defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued. The definitions in Part 719 of this chapter are hereby incorporated in these regulations unless the context or subject matter or the provisions of these regulations otherwise require.

(a) *Act.* The Agricultural Adjustment Act of 1938, as amended.

(b) *Auction sale.* A marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, including sale of all lots or baskets of tobacco at public auction in sequence at a given time.

(c) *Base period.* The 5 calendar years immediately preceding the year for which farm marketing quotas are currently being established.

(d) *Buyers correction account.* The warehouse account of tobacco purchased at auction by the buyer, but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights, which buyers debit or credit to the warehouseman and support with adjustment invoices.

(e) *Current crop.* The crop produced in the current year.

(f) *Dealer or buyer.* A person who engages to any extent in acquiring or selling tobacco in the form normally marketed by producers.

(g) *Director.* The Director, or Acting Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(h) *Effective farm marketing quota.* The current year farm marketing quota plus or minus any temporary adjustments.

(i) *Excess tobacco for a farm.* The quantity of tobacco marketed above 110 percent of the effective farm marketing quota.

(j) *Experimental tobacco.* Tobacco grown by or under the direction of a publicly owned agricultural experiment station for experimental purposes only.

(k) *Farm acreage allotment.* The allotment established for 1970, after any permanent adjustment and prior to any temporary adjustment.

(l) *Farm marketing quota—(1) Old farm.* The pounds determined by multiplying the preliminary farm marketing quota by the national factor, adjusted as required by the minimum provisions, of § 726.57(a), plus any permanent quota adjustment.

(2) *New farm.* The pounds for the farm determined by the country committee, with the approval of the State committee.

(m) *Farm yield.* The farm yield determined as provided in § 726.55 or § 726.65.

(n) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That floor sweepings above the pounds determined by multiplying 0.0024 by the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

(o) *Leaf account tobacco.* All tobacco purchased or otherwise acquired by or for the account of a warehouse, and shall include but not be limited to, tobacco from Buyers Corrections Account, sales and resales of such tobacco, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under paragraph (n) of this section.

(p) *Market.* The disposition of tobacco in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift between living persons. "Marketing" and "marketed" shall have corresponding meanings to the term "market."

(q) *Marketing recorder or field assistant.* Any employee of the U.S. Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service county (ASCS) office, whose duties involve the preparation and handling of the records and reports pertaining to the identification of marketings of tobacco.

(r) *Marketing year.* The period beginning October 1 of the year in which the tobacco is produced and ending September 30 of the following year.

(s) *New farm.* A farm for which a marketing quota is established in the current year which did not previously have a quota established for the current year.

(t) *Nonauction sale.* Any first marketing of tobacco other than by a sale at auction.

(u) *Old farm—(1) 1971 through 1975 crop years.* A farm which had a 1970 farm acreage allotment or there was burley tobacco planted or considered planted in 1 or more years of the base period.

(2) *1976 or later crop years.* A farm which had burley tobacco planted or considered planted in the base period.

(v) *Overmarketings.* The pounds by which the pounds marketed exceed the effective farm marketing quota.

(w) *Penalty-free carryover tobacco.* The pounds of unmarketed tobacco produced before calendar year 1971 which could have been marketed without penalty during the 1970–71 marketing year.

(x) *Planted or considered planted.* Credit assigned in the current year for a farm with an established farm marketing quota when:

(1) Burley tobacco is planted on the farm,

(2) Quota is: (i) Leased and transferred from the farm, (ii) in the eminent domain pool, or (iii) preserved under conservation programs or practices, as provided in Part 719 of this chapter,

(3) A restrictive lease on federally owned land is in effect prohibiting tobacco production, or

(4) Effective quota is zero because of overmarketings or a violation of regulations.

(y) *Preliminary farm marketing quota—(1) 1971 crop year.* The pounds determined by multiplying the 1970 farm acreage allotment by the farm yield.

(2) *1972 and later crop years.* The farm marketing quota for the preceding year.

(z) *Quota adjustments—(1) Temporary.* (i) Effective undermarketings, (ii) overmarketings from any prior year, (iii) reapportioned quota from eminent domain pool, (iv) quota transferred by lease or by owner, (v) pounds in violation of the regulations for a prior year, and (vi) for 1971 only, pounds of penalty-free carryover tobacco.

(2) *Permanent.* (i) Old farm adjustment from reserve, and (ii) pounds transferred to the farm from the eminent domain pool.

(aa) *Resale.* The disposition by sale, barter, exchange, or gift between living persons, of tobacco which has been marketed previously.

(bb) *Sale day.* The period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(cc) *Scrap tobacco.* The residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(dd) *Suspended sale.* Any marketing of tobacco at auction for which the sale is not identified by a producer marketing card or a dealer's identification card by the end of the sale day on which such marketing occurred.

(ee) *Tobacco.* Burley tobacco, type 31, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture.

(ff) *Tobacco available for marketing.* All tobacco produced on a farm which has not been marketed and which has not been disposed of so that it cannot be marketed.

(gg) *Trucker.* A person who trucks or hauls tobacco for producers or other persons.

(hh) *Undermarketings—(1) Actual.* The pounds by which the effective farm marketing quota is more than the pounds marketed.

(2) *Effective.* The smaller of actual undermarketings or the sum of the previous year's farm marketing quota plus pounds leased to the farm for the previous year.

(ii) *Warehouseman.* A person who engages in the business of holding sales of tobacco at public auction.

§ 726.52 Extent of determinations, computations, and rule for rounding fractions.

(a) *General.* If rounding is prescribed herein, computations shall be carried to

two decimal places beyond the number of decimal places required and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1.

(b) *Yields and quotas.* Yields and quotas shall be determined in whole pounds. For example, 2006.50 equals 2006; and 2006.51 equals 2007.

§ 726.53 Supervisory authority of State ASC committee.

The State committee may take any action required by these regulations which has not been taken by a county committee. The State committee may also correct, or require a county committee to correct, any action taken by a county committee which is not in accordance with these regulations, or require a county committee to withhold taking any action which is not in accordance with these regulations.

§ 726.54 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

§ 726.55 Determining farm yields for old farms for the 1971 crop year.

The farm yield for an old farm including farms reconstituted for the 1971 crop shall be that yield not to exceed 3,500 pounds per acre established as follows:

(a) An average yield per acre for each farm for each year of the period 1966 through 1970 shall be determined by dividing the total pounds of burley tobacco produced on such farm by the total acreage of burley tobacco harvested from such farm for each respective year.

(b) A simple average of the yields per acre for each farm for the 4 highest years of the 5 consecutive crop years beginning with the 1966 crop year shall be determined. If burley tobacco was not produced for at least 4 years of the 5-year period, the average of the yields for the years in which tobacco was produced shall be determined.

(c) If no burley tobacco was produced on the farm in the 5-year period (1966–70), a farm yield for the farm shall be appraised by the county committee taking into consideration (1) the soil and other physical factors affecting the production of tobacco on the farm, and (2) the farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.56 Determining preliminary farm marketing quotas.

(a) *Eligibility.* A preliminary farm marketing quota shall be determined for each old farm except as follows:

(1) The farm or all of cropland has gone out of agricultural production and eminent domain procedure of Part 719 of this chapter does not apply.

(2) Quota pooled under the provisions of Part 719 of this chapter has been canceled.

(3) A new farm quota is canceled.

(4) For 1976 and later crop years there was no acreage of burley tobacco planted or considered planted for any year of the base period.

(b) *Determination*—(1) *1971 crop.* A preliminary farm marketing quota shall be that determined by multiplying the 1970 allotment (prior to any reduction for violation of the regulations) by the farm yield.

(2) *1972 and later crop years.* The preliminary farm marketing quota shall be the farm marketing quota established for the preceding year.

§ 726.57 Determining farm marketing quotas and effective farm marketing quotas.

(a) *Farm marketing quotas.* The farm marketing quota shall be determined by multiplying the current year's preliminary farm marketing quota by the national factor for the current year plus permanent quota adjustments. However, for the 1972 and 1973 crop years, the farm marketing quota shall not be less than the smaller of:

(1) One-half acre times the farm yield times one-half the sum of the figure 1 and the national factor for the current year, or

(2) The farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure 1 and the national factor for the current year.

(b) *Effective farm marketing quotas.* The effective farm marketing quota shall be the farm marketing quota plus or minus temporary quota adjustments.

§ 726.58 Determination of undermarketings and overmarketings for farms with quota covered by a cropland adjustment program agreement.

The farm marketing quota established for a farm covered by a cropland adjustment program agreement shall be considered as zero for the purpose of determining undermarketings and overmarketings.

§ 726.59 Determination of farm yields for combined farms for 1972 and later years.

The farm yield for a combined farm shall be the weighted average of the farm yields for the tracts being combined.

§ 726.60 Determination of yields for divided farms for 1972 and later years.

(a) *Contribution method.* Where a tract is separated from the parent farm and the tobacco marketing quota is divided by the contribution method, the farm yield shall be determined as follows:

(1) Where a farm yield was established for the tract prior to the time the tract became part of the parent farm such yield shall be the farm yield for the tract.

(2) Where the tract is one for which a farm yield has never been established and one which was not a separate farm in one or more years of the period 1966 through 1970, the farm yield shall be the same as the farm yield for the parent farm.

(3) Where the tract is (i) one for which a farm yield has never been established, and (ii) one which was a separate farm in 1 or more years of the period 1966–70, the farm yield shall be determined as provided in § 726.55. In determining a farm yield, the yield per acre for the parent farm shall be used for those years of the period 1966–70 the tract was part of the parent farm and the yield per acre for the tract when it was a separate farm shall be used in the remaining years.

(b) *Where the contribution method is not used.* When a farm is divided and the quotas are divided by any method other than the contribution method, the farm yield for such tract shall be the same as the farm yield established for the parent farm.

§ 726.61 Determination of quotas for reconstituted farms for 1972 and later years.

(a) Farm marketing quotas shall be reconstituted pursuant to the provisions of Part 719 of this chapter, except as provided in paragraph (b) of this section.

(b) Where (1) the farm is being divided by the contribution method, (2) a tract was a separate farm during 1 or more years of the 1966–71 period, and (3) such tract did not have a farm marketing quota established for 1972 or a later year, the farm marketing quota shall be determined as follows:

(i) Total the products obtained by multiplying the farm yield determined in accordance with § 726.60 for each tract by such tract's proportionate share of the 1970 allotment for the parent farm. Where the average of the 4 highest years' yields for the 1966–70 period for the divided farm exceeds 3,500 pounds, the average shall be used instead of the farm yield in this computation.

(ii) Determine the tract's proportionate share of the total obtained in subdivision (i) of this subparagraph and use such percentage to prorate the current year's farm marketing quota and effective farm marketing quota among the divided farms.

§ 726.62 Correction of errors and adjusting inequities in marketing quotas for old farms.

(a) *General.* The farm marketing quota for an old farm may be adjusted to correct an error or adjust an inequity if the county determines, with the approval of a representative of the State committee, that the adjustment is necessary to establish a quota for such farm which is fair and equitable in relation to the quotas for other old farms in the community in which the farm is located. The reserve for adjusting inequities under this paragraph will be prorated to States based on the relationship of the total of the preliminary farm marketing quotas in each State to the national total of preliminary farm marketing quotas. Correction of errors shall be made out of that portion of the national reserve held at the national level.

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

(c) *CAP farms.* The quota for a farm under a cropland adjustment program agreement shall be given the same consideration under this paragraph as the quotas for other old farms.

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

§ 726.63 Time for making reduction of marketing quota for violation of the marketing quota regulations for a prior marketing year.

Any reduction made in a farm marketing quota for the current year for any of the reasons provided for in § 726.92 shall be made no later than April 1 of the current year in the States of Alabama, Georgia, North Carolina, South Carolina, and Virginia; or May 1 of the current year in all other States. If the reduction cannot be made by such dates for the current year, the reduction shall be made in the marketing quota next established for the farm, but no later than by corresponding dates in a later year: *Provided*, That no reduction shall be made in marketing quota for any farm for a violation if the marketing quota for such farm for any prior year was reduced on account of the same violation.

§ 726.64 Marketing quotas and yields for farms acquired under right of eminent domain.

(a) *Marketing quotas.* The transfer of farm marketing quotas for farms acquired by an agency having the right of eminent domain to a pool and reallocation from the pool shall be administered as provided in Part 719 of this chapter, substituting farm marketing quotas for farm acreage allotment.

(b) *Yields for receiving farms.* The farm yield for a farm to which a pooled marketing quota is transferred shall be the yield for the receiving farm before transfer except where the receiving farm is not a tobacco farm. In such case, the farm yield shall be the same as the farm yield for the farm acquired by the agency having the right of eminent domain.

(c) *Undermarketings and overmarketings.* Undermarketings of the farm acquired by eminent domain shall be added to the marketing quota for the receiving farm and overmarketings of the acquired farm shall be subtracted from the marketing quota of the receiving farm. The pooled quota is considered planted while in the pool. Therefore, for the purpose of determining undermarketings during the time the quota is pooled, the effective quota is considered to be zero.

(d) *Release and reapportionment.* The displaced owner of a farm may, not later than April 1 of the current year in the States of Alabama, Georgia, North Carolina, South Carolina, and Virginia, or May 1 of the current year for all other States, release in writing to the county committee for the current year all or part of the quota for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having quotas for burley tobacco. The county committee may reapportion, not later than May 1 of the current year in the States of Alabama, Georgia, North Carolina, South Carolina, and Virginia, or June 1 of the current year for all other States, the released quota or any part of it to other farms in the county on the basis of past production of tobacco, land, labor, and equipment available for the production of tobacco, crop rotation practices, and soil and other physical factors affecting the production of tobacco. The marketing quota reapportioned shall not, for purposes of establishing future farm quotas, be considered as planted on the farm to which the quota was reapportioned. No release and reapportionment of quota under this section shall be the result of any private negotiations between individuals. Any quota released shall be released to the county committee and such quota shall be reapportioned only by the county committee.

§ 726.65 Determination of marketing quotas for new farms.

(a) *General.* The marketing quota, other than a quota under § 726.64, for a new farm shall be that marketing quota which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the marketing quota so determined shall not exceed 50 percent of the average of the marketing quotas established for two or more but no more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) *Eligibility requirements for operator.* A tobacco marketing quota shall not be established for a new farm unless the operator meets each of the following conditions:

(1) *Owner and operator of farm.* The operator must be the sole owner of the farm. However, both husband and wife shall be considered the sole owner and operator of a farm which they own jointly.

(2) *Interest in another farm.* The operator shall not own or operate another farm in the United States with a current year allotment or quota for any kind of tobacco.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and other facilities necessary to successfully produce burley tobacco.

(4) *Previous new farm allotment or quota.* Operator must not have been approved for a new farm allotment or quota for any kind of tobacco in the preceding 3 years.

(5) *Experience.* Operator must have had experience in producing, harvesting, and marketing burley tobacco. Such experience must have been gained:

(i) By being a sharecropper, tenant, or farm operator. (Bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement.)

(ii) During at least two of the 5 years immediately preceding the year for which the new farm quota is requested. If the operator was in the armed services during the 5-year period, extend the period 1 year for each year of military service during the 5 years. (In no case shall the experience period extend more than 10 years.)

(iii) On a farm having a burley tobacco allotment or quota established for such years.

(6) *Income requirement.* Where the farm is operated by an individual, the operator must expect to obtain more than 50 percent of his current year income from farming. If operated by a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming. If operated by a corporation, the corporation must have no other major corporate purpose than ownership or operation of such farm, farming must provide its officers and general manager with more than 50 percent of their expected income, salaries and dividends from the corporation shall be considered as income from farming.

(7) *Computing operator's income.* The following shall be considered in computing operator's income.

(i) *Income from farming.* (*a*) The estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(*b*) The estimated return from the production of the requested quota shall not be included.

(ii) *Spouse's income.* The spouse's farm and nonfarm income shall be included in computation when the spouse is also part owner.

(8) *Special provision for low-income farmers.* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(c) *Eligibility requirements for farms.* A marketing quota shall not be established for a new farm unless the farm meets each of the following eligibility conditions:

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm quota an allotment or quota for any kind of tobacco.

(2) *Land, soil and topography.* The available land, type of soil and topography of the land on the farm must be suitable for tobacco production. Also, continuous production of tobacco must not result in an undue erosion hazard.

(3) *Eminent domain agency.* The farm cannot include land acquired by an agency having right of eminent domain until 5 years after the former owner was displaced.

(4) *Reconstitution—owner designation.* A farm which includes land which has no quota because the owner did not designate a quota for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter is not eligible for a new farm quota for 5 years beginning with the year the reconstitution became effective.

(d) *Filing applications.* In order to be considered for a new farm quota the farm operator must file a written application at the office of the county committee by February 15 of the calendar year for which the quota is requested.

(e) *Downward adjustment.* The marketing quota established as provided in this section shall be subject to such downward adjustment as is necessary to bring the total of such quotas within the total pounds available for quotas to all new farms.

(f) *Failure to plant.* A new farm quota shall be reduced to zero if no tobacco is planted on the farm the first year.

(g) *False information.* Any new farm quota which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the quota was established. Where incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 726.66(d) applies.

(h) *New farm yields.* A farm yield shall be established for each new farm for which a farm marketing quota is established under this section. Such yield shall be appraised by the county committee based on farm yields established for similar farms in the area.

§ 726.66 Approval of marketing quotas, and notices to farm operators.

(a) *Review by State committee.* All farm yields and marketing quotas shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination of quota or yield made under these regulations. All yields and marketing quotas shall be approved by a representative of the State committee, and no official notice of marketing quota shall be mailed to a farm operator until such marketing quota has been so approved, except that revised notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional marketing quota, or (2) of quota reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished.

(b) *Notice to farm operator.* An official notice of the effective farm marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to a quota. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the quota is established. Insofar as practicable, all notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing the date of mailing or a printout summary of such data shall be maintained for not less than 30 days in a conspicious place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of the notice of marketing quota certified as true and correct shall be furnished without charge to any person interested in the farm for which the quota is established.

(c) *Mailing notices.* If the records of the county committee indicate that the marketing quota established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice may be delayed: *Provided*, That the notice of marketing quota for any farm shall be mailed no later than April 1 of the current year in the States of Alabama, Georgia, North Carolina, South Carolina, and Virginia, or May 1 of the current year in all other States.

(d) *Marketing quota erroneous notice.* If the official notice of marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

§ 726.67 Application for review.

Any producer who is dissatisfied with the farm marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm marketing quota, file application in writing with the county ASCS office to have such quota reviewed by a review committee. The procedure governing the review of farm marketing quotas is contained in Part 711 of this chapter, which is available at the county ASCS office.

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of burley tobacco farm marketing quotas by lease or by the owner will not impair the effective operation of the burley tobacco marketing quota or price support program. Accordingly, such transfers of quotas shall be permitted in accordance with the provisions of this section.

(b) *Persons eligible—(1) Lease.* Effective beginning with the 1971 crop, the owner and operator (acting together if different persons) of any old farm for which a burley tobacco farm marketing quota is or will be established for the year in which a transfer by lease is to take effect, may transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's farm marketing quota (old or new farm) for burley tobacco for use on such farm. The quota established for a farm as pooled quota under Part 719 of this chapter may be transferred during the 3-year life of the pooled quota.

(2) *By owner.* Effective beginning with the 1971 crop, the owner of any old farm for which burley tobacco farm marketing quota is or will be established for the year in which a transfer by owner

is to take effect may transfer all or any part of the farm marketing quota established for such farm to another farm in the same county owned or controlled by such owner.

(c) *Maximum period of transfers.* Transfers of quotas by lease or by owner shall not exceed 5 years.

(d) *Filing and approval of transfer.* The transfer of a farm marketing quota or any part thereof shall not be effective until a copy of the lease agreement, determined to be in compliance with the provisions of this section, is filed with the county committee or designated county office employee at a market town location not later than February 15 of the current marketing year. The county committee may redelegate authority to approve leasing agreements to the county executive director or other county office employee. County office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located.

(e) *Where to file transfer agreement.* Transfer agreements shall be filed with the county committee of the county where the farms are administratively located or with a designated county office employee at a market town location.

(f) *Marketing quota basis for transfer.* Marketing quota, pound for pound, shall be the basis for transfer.

(g) *Limit on amount of quota transferred*—(1) *Transferring farm.* The maximum marketing quota may be transferred from a farm shall be limited to the effective farm marketing quota.

(2) *Receiving farms.* The maximum marketing quota that may be transferred to a farm shall be the smaller of 15,000 pounds, or the pounds determined by subtracting the farm marketing quota established for the farm from the product of the farm yield and 50 percent of the cropland for the farm. The cropland in the farm for the current year for the purposes of such transfer shall be the total cropland as defined in Part 719 of this chapter.

(h) *Transferred quota considered produced on transferring farm.* For purposes of establishing quotas for subsequent years, the quota transferred to a farm shall be considered produced on the farm from which transferred.

(i) *Marketing quota for a new farm.* The marketing quota established for a new farm shall not be transferred to another farm.

(j) *Quotas on land under restrictive lease.* If a farm is federally owned and a lease is in effect restricting the production of burley tobacco, the quota established for such farm is not eligible for transfer.

(k) *Farms under long-term land-use programs.* A transfer of a quota to or from a farm covered by a Cropland Adjustment Program Agreement shall not be approved if the transferring or receiving farm has the quota crop base designated under such program agreement.

(l) *Transfer of pooled quota.* Quota established for a farm as pooled quota under Part 719 of this chapter may be transferred for a term of years not to exceed the remaining number of crop years of the 3-year life of the pooled quota.

(m) *No subleasing.* No transfer shall be made from a farm receiving quota under a transfer agreement for the term of the transfer.

(n) *Limitation on transfer to and from a farm for the same crop year.* No transfer of quota for any crop year shall be made (1) from a farm receiving quota by transfer for such year or (2) to a farm which had quota transferred from it for such year.

(o) *Consent of lienholder.* No transfer of quota other than an annual transfer shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(p) *Recomputation of quota for other than annual transfers.* The quota transferred shall be recomputed and adjusted where appropriate each year the transfer is in effect.

(q) *Zero marketing quota farms.* If the farm marketing quota for a farm for the current crop year is reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota may be transferred to such farm for the current crop year.

(r) *Revised notices.* A revised notice showing the farm marketing quota after transfer shall be issued by the county committee to the operator of each farm involved in the transfer agreement.

(s) *Limited years for owner transfer to operator's farm.* A transfer to a farm controlled but not owned by the applicant shall be approved only if the county committee determines that the applicant will be the operator of the farm to which the transfer is to be made for each year of the period for which the transfer is requested. When the applicant from whom such transfer has been approved no longer is the operator of the receiving farm due to conditions beyond his control, the transfer shall remain in effect unless the transfer is terminated under paragraph (w) of this section. Conditions beyond the operator's control shall include, but not be limited to, death, illness, incompetency, or bankruptcy of such person.

(t) *Marketing quota after transfer.* The effective quota for a farm after transfer shall be the effective quota for the term of the transfer subject to adjustment under paragraph (p) of this section and shall be used for the purposes of determining (1) the amount of penalty to be collected on marketings of excess tobacco, (2) eligibility for price support, (3) undermarketings and overmarketings, and (4) the amount of reduction in quota for violation of the tobacco marketing quota regulations.

(u) *Reconstituted farms.* The quota for a farm being divided or combined in the current year shall be the quota for the farm after transfer has been made. However, in the case of a division, the county committee shall allocate the leased quota to the tracts involved in the division as the parent farm owner and operator designate in writing. In the absence of a designation, the county committee shall apportion the leased quota.

(v) *Farm in violation.* If consideration of a violation is pending which may result in a quota reduction for a farm for the current crop year, the county committee shall delay approval of any transfer until the violation is cleared or the quota reduction is made. However, if the quota reduction in such a case cannot be made effective for the current crop year before April 1 in the States of Alabama, Georgia, North Carolina, South Carolina, and Virginia and May 1 for all other States, an annual transfer may be approved by the county committee. In any case, if, after a transfer of quota has been approved by the county committee, it is determined that the quota for the farm from which or to which the quota is transferred is to be reduced for such farm, the quota reduction shall be delayed until the following year.

(w) *Cancellation, dissolution or revision of transfer*—(1) *Cancellation.* Any transfer approved in error or on the basis of incorrect information shall be canceled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for purposes of determining price support and marketing quota penalties only if:

(i) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the transfer agreement, and

(ii) The parties to the transfer agreement were not notified of the cancellation before marketings for the receiving farm exceed the correct effective farm marketing quota.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revision made where a request by all parties to the agreement is made in writing to the county committee by February 15 of the current marketing year. In such case, an official notice of the effective farm marketing quota, reflecting the dissolution or revision, shall be issued by the county committee to each of the operators involved in the transfer agreement. If the request to dissolve or revise the lease is made after February 15 of the current year, but prior to the last crop year for which the leasing agreement is effective, the next quota established for the farm shall reflect the dissolution or revision.

§ 726.69 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in

§§ 726.68, 726.70, and Part 719 of this chapter.

§ 726.70 Transfer of farm marketing quotas for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The Deputy Administrator shall determine for any year those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any or all of the tobacco marketing quotas for any farm in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of tobacco quota within the farm marketing quota for such year to another farm or farms in the same county or in an adjoining county in the same or another State if such quota cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The quota to be transferred shall not exceed the smaller of (1) the effective farm quota established under this part less such quota planted to tobacco and not destroyed by the natural disaster, or (2) the quota requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the effective farm quota for the farm from which the quota is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(2) One or more of producers of tobacco on the farm from which the quota is to be transferred will be a bona fide producer engaged in the production of tobacco on the farm to which the quota is to be transferred and will share in the crop or in the proceeds of the tobacco.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee, or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Planted or considered planted credit and eligibility as an old tobacco farm.* Any quota transferred under this paragraph shall be considered for the purpose of determining future quotas to have been planted to tobacco on the farm from which such quota is transferred.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be July 15 of the current year. The county committee may accept applications filed after such closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

§ 726.80 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors and lengths, of burley tobacco shall be considered burley tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which burley tobacco as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all tobacco produced on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of such tobacco is certified by the Consumer and Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

§ 726.81 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for experimental tobacco shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the name of other interested producers. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the current crop.

(2) If the county committee has reason to believe that one or more producers of the current crop tobacco on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the effective farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producers on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any such producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, the marketing card issued for the farm shall be recalled and a separate marketing card, showing 110 percent of the producer's proportionate share of the effective farm marketing quota shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop and another marketing card (or other cards if considered preferable by the county committee) shall be issued showing 110 percent of the balance of the effective farm marketing quota to enable the other producers on the farm to market their proportionate shares. The marketing cards issued pursuant to this subparagraph shall reflect the proportionate pounds, if any, already marketed by each producer.

(3) The procedure in subparagraph (2) of this paragraph shall not apply to a person who was a producer on the farm in a prior year but who is not a producer on the farm of the current crop.

(b) *Person authorized to issue marketing cards.* The county executive director shall be responsible for the issuance of marketing cards.

(c) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

(2) Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm, shall, to the extent of such succession, have the same rights to the use of the marketing card and bear the same liability for penalties as the original producer.

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco.

(2) DDT or TDE was used on tobacco available for marketing from the farm.

(e) *Cards for experimental tobacco.* A marketing card shall be issued to identify experimental tobacco.

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The balance of 110 percent of quota from prior marketing card shall be shown in the first space on the supplemental card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases, each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota".

(4) If, when authorized under Part 1421 of this title, a producer requests and obtains from the county committee an interim advance of CCC funds on part or all of his tobacco crop prior to marketing thereof, the estimated quantity of tobacco upon which the interim advance was made shall be entered in parentheses on the reverse side of the marketing card in the space for recording sales. Any poundage balance of the "110 percent of quota" data shall be entered below the estimated pounds upon which an interim advance was made.

(5) Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

§ 726.82 Claim stamping and replacing marketing cards.

(a) *Stamping to show claims.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county claim record or has another debt required to be collected under applicable regulations, the face of the marketing card issued for the farm shall bear the notation "U.S. Claim" followed by the amount of indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the claim notation. A notation showing indebtedness to the United States shall constitute notice to any warehouseman or loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and the producer may reject price support from which such indebtedness would be deductible. As claim collections are made, the amount of the claim shown on the card shall be revised to show the claim balance, and the tobacco sale bill shall show the amount collected. A claim free marketing card shall be issued when the claim has been paid.

(2) Any marketing card may be marked for the purpose of notifying warehousemen or loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county executive director, two or more marketing cards may be issued for any farm. Upon the return to the county office of a marketing card which has been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen.

§ 726.83 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) Any entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) Any erasure or alteration has been made and not properly initialed by the county executive director or a marketing recorder.

(b) *Validating invalid cards.* If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county executive director who issued the card, or by a marketing recorder, then such card shall become valid.

(c) *Returning invalid cards.* In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry, which has not been corrected by the county executive director who issued the card, or by a marketing recorder), the farm operator, or the person having the card in his possession, shall return it to the county office where it was issued.

§ 726.84 Misuse of marketing card.

Any information which causes a marketing recorder, a member of a State, county, or community committee, or an employee of the State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm, shall be reported immediately by such person to the county or State office.

§ 726.85 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 110 percent of quota, (2) balance of 110 percent of quota after each sale, and (3) date of sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

(b) *Verification of penalty by warehousemen or dealers.* Each sale of tobacco by a producer which is subject to penalty and which has been recorded by a marketing recorder shall be verified by a warehouseman or dealer to determine whether the amount of penalty shown to be due has been correctly computed. Such warehouseman or dealer shall not be relieved of any liability for the amount of penalty due because of any error which may occur in computing the penalty and recording the sale.

(c) *Check register.* The serial number on the tobacco sale bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering the auction sale of tobacco by a producer.

(d) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer.

(e) *Separate display on auction warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the auction warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and report of each of such kinds of tobacco sold at auction over the warehouse floor.

(f) *Cross-reference of tobacco sale bill number to prior tobacco sale bill covering tobacco identified by the same*

marketing card to be sold the same day. Each warehouseman shall for each lot of tobacco weighed in on his floor for sale the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for tobacco identified by the same marketing card. To accomplish the cross-reference, each other tobacco sale bill number shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill on all copies at the time he weighs in the tobacco at the warehouse.

(g) *Identification of returned first sale (producer) tobacco.* Tobacco which has been previously sold and returned to the warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

§ 726.86 Rate of penalty.

(a) *Basic rate.* The basic penalty rate shall be equal to seventy-five (75) percent of the average market price for the immediately preceding marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture. The rate of penalty will be determined for each marketing year and announced by the regulations in this subpart or amendment thereto.

(b) *Average market price and rate of penalty per pound.* These data will be issued annually as an amendment to these regulations.

(c) (1) *Average market price.* The average market price as determined by the Crop Report Board for the marketing year specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1970–71	72.2

(2) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing year specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1971–72	54

§ 726.87 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Auction sale.* The penalty due on marketings by a producer through an auction sale shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonauction sale.* The penalty due on tobacco acquired directly from a producer, other than at an auction sale, shall be paid by the person acquiring the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer in the case of a sale.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 726.88 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

Any marketings of tobacco under any of the following conditions shall be considered to be a marketing of excess tobacco.

(a) *Auction sale without marketing card.* Any first marketing of tobacco at an auction sale by a producer which is not identified by a valid marketing card at the time of marketing shall be considered to be a marketing of excess tobacco and the penalty thereon shall be collected and remitted by the warehouseman.

(b) *Nonauction sale.* Any nonauction sale of tobacco which:

(1) Is not identified by a valid marketing card and recorded at the time of purchase on MQ–79, Dealer's Report; or

(2) If purchased prior to the opening of the local auction market for the current year, is not identified by a valid marketing card and recorded on MQ–79 not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be considered a marketing of excess tobacco. The penalty thereon shall be collected by the purchaser of such tobacco, and remitted with MQ–79.

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account), when added to prior leaf account resales, is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of 0.24 percent of producers' sales of tobacco.

(d) *Dealer's tobacco—(1) Excess resale rule for mixed reporting of data.* If during any marketing year a warehouseman or a dealer has transactions in more than one kind of tobacco and his reports of marketings result in excess resales, penalty on such excess resales shall be due from such dealer at the highest rate of penalty applicable to any kind of tobacco reported or due to be reported under these regulations.

(2) *Excess resales above purchases.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale, which, when added to prior resales by such dealer (as shown or due to be shown on Form MQ–79), is in excess of his total prior purchases (as shown or due to be shown on such Form MQ–79) shall be considered to be a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(i) During the auction marketing season, the penalty due from the dealer shall be withheld by the warehouseman from the proceeds due the dealer and immediately transmitted by the warehouseman to a marketing recorder.

(ii) Penalty due from a dealer which was not withheld by a warehouseman under subdivision (i) of this subparagraph shall be remitted weekly by him to the State office with his reports on Form MQ–79.

(e) *Resales not reported.* Any resale of tobacco which is required to be reported by a warehouseman or dealer, but which is not so reported within the time and in the manner required, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed to be a marketing of excess tobacco. The penalty thereon shall be paid by such person.

(g) *Carryover tobacco.* Any tobacco on hand and reported or due to be reported under § 726.93(g)(14) for warehousemen and § 726.94(c)(4) for dealers shall be included as a resale in determining whether an account has excess resales. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof acceptable to the State executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehouseman or dealer.

§ 726.89 Producers penalties; false identification, failure to account; canceled quotas; overmarketing proportionate share.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, penalty at the full rate shall be due on the larger of: (1) The actual marketings above 110 percent of the effective farm marketing quota, or (2) the amount of tobacco equal to 25 percent of the effective farm marketing quota.

(b) *Canceled quota.* If part or all of the tobacco produced on a farm has been marketed and the quota for the farm is canceled, any penalty due on the marketings shall be paid by the producers.

(c) *Overmarketing proportionate share of effective farm marketing quota.* If the county committee determines that the farm operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota with intent to deprive some other producer on the farm from marketing his proportionate share of the same crop of tobacco, such operator or other producer shall be

liable for marketing penalties at the full rate per pound for each pound marketed above 110 percent of his proportionate share of the effective farm marketing quota: *Provided*, That the sum of such penalties shall not exceed the total penalty due on total marketings above 110 percent of the effective farm marketing quota for the farm on which such tobacco was produced. Before assessment of penalty pursuant to this paragraph (c), a hearing shall be scheduled by the county committee and the operator and affected producers shall be invited to be present, or to be represented, to determine whether the operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota. The notice of the hearing shall request the farm operator and affected producers to bring to the hearing tobacco sale bills and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken to impose penalty shall be taken after the hearing. If the farm operator or other affected producer does not attend the hearing, or is not represented, the county committee may take whatever action it deems necessary to assess penalty against the proper producers. If a hearing under § 726.81(a) is being held, and it is practicable to do so, such hearing and the hearing under this paragraph may be combined.

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quantity of tobacco above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of, tobacco poundage data on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if: (1) For amounts of $10 or less the county committee, with the approval of the State committee, and (2) for amounts above $10 the county committee, with the approval of the State committee, and the Deputy Administrator, determines that each of the following conditions is applicable: (i) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder or another ASCS employee, (ii) such failure or error was not so large as to place the farm operator or another producer on the farm on notice of the failure or error, and (iii) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

§ 726.90 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that in the case of false identification or failure to account for disposition, the penalty shall be due on the date of such false identification or failure to account for disposition. The penalty shall be paid by remitting the amount due to the State ASCS office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Auction sale—net proceeds.* If the penalty due on any auction sale of tobacco by a producer is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the tobacco sale bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonauction sale.* Nonauction sales of excess tobacco shall be subject to the full rate of penalty and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 726.91 Request for return of penalty.

Any producer of tobacco and any other person who bore the burden of the payment of any penalty after the marketing of all tobacco available for marketing from the farm may request the return of the amount of such penalty which is in excess of the amount required to be paid. Such request shall be filed on Form MQ–85, Farm Record and Account, with the county office within 2 years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

RECORDS AND REPORTS

§ 726.92 Producer's records and reports.

(a) *Failure to file reports or filing false reports.* If any producer on a farm files an incomplete or incorrect report, fails to file a report, or files or aids or acquiesces in the filing of any false report with respect to the amount of tobacco produced on or marketed from the farm, the tobacco quota next established for any such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to file, filing of, or aiding or acquiescing in the filing of, such report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false: *Provided*, That the failure to file or the filing of or aiding or acquiescing in the filing of the report will be construed as intentional unless a correct report is filed and any penalty is paid in full, or (2) no person connected with the farm for the year for which the quota is being established caused, aided, or acquiesced in the filing of the false report or failure to file a report. If the conditions in subparagraphs (1) and (2) of this paragraph are not applicable, the next established quota shall be reduced for the farm.

(b) *Report of experimental tobacco.* For a farm on which experimental tobacco is being grown, the director of a publicly owned agricultural experiment station shall furnish the State ASCS office, prior to the beginning of the harvesting of tobacco from any farm on which experimental tobacco is being grown, a report for the current year showing the following information:

(1) Name and address of the publicly owned agricultural experimental station.

(2) Name of the owner, and name of the operator if different from the owner of each farm on which experimental tobacco is grown.

(3) The acreage of experimental tobacco grown on each farm.

(4) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only, the tobacco was grown under his direction, and the acreage on each farm was considered necessary for carrying out the experiment.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on any farm which, in fact, was produced on a different farm, the marketing quotas next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing: *Provided*, That, the marketing shall be construed as intentional, unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in such marketing.

(d) *Report on marketing card.* The operator of each farm on which tobacco is produced shall return to the county ASCS office each marketing card issued for the farm whenever marketings from the farm are completed, and, in no event, later than 20 days, in the year of issuance of the card, after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within 15 days after written request by certified mail from the county executive director shall constitute failure to

account for disposition of all tobacco marketed from the farm unless disposition of tobacco marketed from the farm is otherwise accounted for to the satisfaction of the county committee. Upon failure to satisfactorily account to the county committee for disposition of tobacco marketed from the farm the quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county committee and a representative of the State committee, that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made; or (2) no person connected with such farm for the year for which the quota is being established, caused, aided, or acquiesced in the failure to furnish such proof.

(e) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though no quota was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the production and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report, (1) the total pounds of tobacco produced, (2) the amount of tobacco on hand and its location, (3) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of the marketings, and (4) the complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the quota next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committee that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional and unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the quota is being established caused, aided, or acquiesced in the failure to furnish such proof.

(f) *Amount of quota reduction.* The amount of reduction in the quota for the current year for a violation described in paragraph (a), (c), (d), or (e) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective effective farm marketing quota for the farm for the year in which the violation occurred. Such percentage shall then be applied to the farm marketing quota next established for the farm. The quantity of tobacco in violation shall be the amount of tobacco as determined by the county committee. If the actual quantity of tobacco is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco is not known, the county committee shall determine the quantity in violation in the following manner: The total production of tobacco on the farm shall be determined by taking into consideration the condition of the crop during production, if known, and such other information as is available.

(g) *Quota reduction for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the quota for which a reduction is required.

(h) *Quota reduction for divided farms.* If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the quotas for divided farms required to be reduced. Quota reductions are applicable, unless the violating producer has no interest in the current tobacco crop.

(i) *Unauthorized erasure or alteration on marketing card.* Any unauthorized erasure or alteration of any information or data on a marketing card may be considered a violation of the U.S. Criminal Statutes.

(j) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the quota for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county executive director of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing tobacco sale bills and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing or is not represented, the county committee may take whatever action it deems proper.

(k) *Sequence of quota reduction where the farm allotment is to be reduced because of a violation and overmarketings.* If the tobacco quota for a farm is to be reduced in the current year because of both (1) a violation and (2) overmarketings in a prior year, the reduction in the quota for the violation shall be made before making the reduction for overmarketings.

(l) *Correction of farm production records.* Where farm data for actual marketings are determined to be incorrect because of a violation, the records shall be corrected for each farm on which the tobacco was produced, and for each farm whose card was used to identify marketings.

(m) *Report on Form MQ–92, Estimate of Production.* An estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program. The county committee shall have authority to visit any farm for the purposes of making an estimate of production or determination of planted acreage needed to complete an estimate of production.

§ 726.93 Warehouseman's records and reports.

As provided in this section, each warehouseman in the burley producing area shall keep records and make reports for each kind of tobacco.

(a) *Record of marketing—(1) Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the State office for each auction sale the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and the name of the seller in the case of a resale.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer. In addition, with respect to each individual basket or lot of tobacco constituting the auction sale, the following information:

(*a*) Name of purchaser.

(*b*) Number of pounds sold.

(*c*) Gross sale price.

(2) *Separate account records.* Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonauction sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco. The resale record shall include separate data for leaf account tobacco and floor sweeping tobacco.

(3) *Buyers Correction Account.* Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the Buyers Corrections Account. Where the warehouseman returns to the seller tobacco debited

to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the Buyers Corrections Account.

(4) *Tobacco sale bill and daily warehouse sales summary.* Each warehouseman shall use tobacco sales bills showing, as a minimum, the following information:

(i) Tobacco sale bill number;

(ii) Name and address of warehouse where sale is held;

(iii) Date of sale;

(iv) Number of pounds in each basket;

(v) Name and address of seller and (*a*) farm number (including State and county codes) for producer tobacco, and (*b*) dealer registration number for resale tobacco;

(vi) Identification number, if available, for each basket of tobacco to be offered for sale;

(vii) Poundage balance before and after sale for producer tobacco based on 110 percent of farm quota;

(viii) Name or symbol of purchaser of each basket;

(ix) Gross number of pounds sold;

(x) Sales price for each basket and gross sale proceeds for all baskets sold;

(xi) Nonauction purchases by the warehouse holding the sale;

(xii) Tobacco grade for tobacco consigned to price support;

(xiii) Marketing quota penalty collected; and

(xiv) Amount withheld from sale to cover claims due the United States.

The warehouseman shall not weigh in any tobacco for sale unless a card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman unless the tobacco is determined by a C&MS inspection to be a nonquota kind. The buyer and grade space of the tobacco sale bill shall show (*a*) nonauction purchases by the warehouse, (*b*) tobacco grade for tobacco consigned to price support, and (*c*) the symbol for tobacco bought by private buyers. A copy of the executed Form MQ–80, Daily Warehouse Sales Summary, shall be furnished to the marketing recorder for the Kansas City Data Processing Center (KCDPC).

(5) *Report of farm scrap resulting from grading tobacco for farmers.* Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(6) *Report of farm scrap resulting from furnishing curing or stripping space for tobacco from farmers.* Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(7) *Labeling resales on tobacco sale bill.* In the case of resales for dealers, the name of the dealer making each resale, and in the case of resales for the warehouse, the word "Resale" shall be clearly shown on each tobacco sale bill covering such tobacco.

(8) *Nonquota tobacco or tobacco of a different kind.* Should tobacco be presented for sale that is represented to be nonquota tobacco or there is question as to what kind of tobacco is being offered, a C&MS inspection shall be obtained before the tobacco is weighed in and offered for sale. If a C&MS inspection shows that a basket or lot of tobacco is of a nonquota kind or of a different kind than that identified by the basket ticket after it is weighed in and a sale bill prepared, such tobacco shall be deleted from the original sale bill and a revised sale bill prepared.

(b) *Identification of producer sales of tobacco—tobacco sale bill.* The State and county codes and the farm serial number on the marketing card identifying the tobacco to be marketed at auction shall be recorded by the warehouseman on the tobacco sale bill at the time the tobacco is weighed in and the warehouseman shall retain the marketing card where tobacco is to be sold at auction only until the producer has been paid for the sale of the tobacco or the tobacco is removed from the warehouse by the producer. In any case where a producer's marketing card is found in the possession of warehouseman and no producer on the farm for which the card is issued has tobacco on the floor for sale or to be settled for such card will be picked up by an ASCS representative for return to the producer. The warehouseman shall be responsible for the safekeeping and proper use of the marketing card during his retention of it. Each tobacco sale bill issued to cover an auction sale of tobacco from a farm for which a marketing card is issued bearing the notation "No Price Support" shall bear the same notation. A separate tobacco sale bill shall be executed to cover any tobacco which represents more than 110 percent of the effective farm marketing quota and the notation, "No Price Support" shall be shown on such tobacco sale bill. The sale of such tobacco shall be considered a separate sale. The letters "NA" shall be shown on each line of a tobacco sale bill on which there is recorded tobacco purchased by or for the warehouse at nonauction sale and there shall be recorded on all such tobacco sale bills the farm serial number on the marketing card identifying the tobacco marketed at the time the tobacco is purchased at nonauction sale. A copy of the tobacco sale bill bearing the letters "NA" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

(c) *Marketing card.* Each marketing of burley tobacco from a farm shall be identified by a marketing card issued for the farm. The card shall be executed as follows:

(1) *Auction sale.* A marketing card used to cover an auction sale shall show on the reverse side the poundage balance of the "110 percent of quota". At the time of weighin the tobacco sale bill shall show the poundage balance of 110 percent of the farm's quota. The tobacco sale bill shall show the pounds on which penalty is due, and the amount of the penalty.

(2) *Nonauction sale to a warehouseman at the warehouse.* A marketing card used to cover a nonauction sale of tobacco to a warehouseman shall show on the reverse side the poundage balance of the "110 percent of quota". If the tobacco sale bill includes both an auction sale and a nonauction sale such combined pounds shall be used to compute and reflect the balance of the "110 percent of quota". The tobacco sale bill shall show the pounds on which penalty is due and the amount of the penalty.

(3) *Nonauction sale (country purchase) to a warehouseman.* Each purchase of tobacco from a producer from a burley producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless prior to purchase a C&MS inspection certification is obtained showing that the number of pounds offered for sale is of a kind of tobacco not subject to quotas. A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side the poundage balance of the "110 percent of quota". Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ–79 and on Form MQ–72–2, Report of Tobacco Nonauction Purchase. The data to be reported on Form MQ–72–2 is set forth in § 726.94.

(4) *Tobacco under interim advance.* If tobacco is marketed from a farm, part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made, and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(d) *Suspended sale record.* (1) Any tobacco sale bill covering a sale of tobacco for which a valid marketing card or dealer identification card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended."

(2) When cleared, such suspended sale shall show "suspended—cleared" and date cleared. Such tobacco sale data shall be submitted to KCDPC after the sale is cleared. If a suspended sale is not cleared

by the last auction sale day for the warehouse for the season, it shall be considered a sale of excess tobacco and penalty at the full rate shall be remitted by the warehouseman.

(e) *Warehouseman's entries on other dealer's report.* Each warehouseman shall record, or have the dealer record, on MQ–79, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him and carried over by him from a crop produced prior to the current crop, the entry on MQ–79 shall clearly show such fact.

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Report, showing:

(1) All nonauction purchases of tobacco, except nonauction purchases at his warehouse which are reported on MQ–80.

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) For all purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen, from MQ–79 shall be prepared and a copy, including copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That, if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 and Form MQ–72–2 to be due shall be forwarded to the State ASCS office with the original copy of MQ–79.

(g) *Daily warehouse sales summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ–80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer, and tobacco cooperative (pool), pounds of tobacco purchased at auction (consigned in the case of the pool).

(2) The sum of the items for subparagraph (1) of this paragraph.

(3) Resales at auction for each person listed under subparagraph (1) of this paragraph.

(4) For each dealer subject to reporting purchases and resales on MQ–79, as originally billed, the total pounds of tobacco purchased at auction, and resales at auction.

(5) The total pounds purchased at auction for the leaf account.

(6) The total pounds purchased at nonauction at the warehouse for the leaf account.

(7) The sum of the total pounds for subparagraphs (5) and (6) of this paragraph.

(8) (i) The total leaf account resales and (ii) a separate account for total floor sweeping resales.

(9) The sum of the total purchases for subparagraphs (2), (4), and (7) of this paragraph.

(10) The sum of the total resales for subparagraphs (3), (4), and (8) of this paragraph.

(11) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due to accompany Form MQ–72–1.

(12) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer identification number with daily remittance of the penalty due.

(13) As to the information required to be entered on MQ–80, Daily Warehouse Sales Summary, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of Forms MQ–72–1 for the sale day and the sum of pounds sold and shown on Forms MQ–72–1, and (ii) the total number of suspended sale bills and the sum of such pounds sold.

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification of the actual weight of such tobacco. After the weight of such tobacco has been so obtained in this subdivision (ii), it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty if penalty is due.

(h) *Report to county office of long weights and long baskets.* Each warehouseman shall report to the county ASCS office or marketing recorder long weights and long baskets of producer tobacco (first sales) for which the farmer has been paid.

(i) *Report on Form MQ–78, Tobacco Warehouse Organization.* Each warehouseman shall annually, prior to opening of auction markets, furnish ASCS an executed Form MQ–78 showing:

(1) Form of business organization.

(2) Names and addresses of warehouse officials and bookkeeper.

(3) Names and addresses of other warehouses in which the officials and bookkeeper have a financial interest.

(4) Name and address of custodian of warehouse records, including their location.

(j) *Payee to be shown on auction warehouse check.* Any auction warehouse which issues a check to cover the auction or nonauction sale of tobacco shall issue such check only in the name of the payee. A warehouse check shall not be issued in the name of the seller and bearer, for example, "John Doe or Bearer".

(k) *Damaged tobacco purchased for later resale.* Any warehouseman who plans to purchase tobacco in the form normally marketed by producers for resale that was damaged by such things as, but not limited to, fire and water shall prior to purchase report such plans to the State ASCS office issuing MQ–79, Dealer Record book. Such report shall be timely made so as to allow prior inspection for the marketable value of such damaged tobacco, and the weighing and removal of such tobacco to be witnessed by representatives of the State ASCS office and subsequent inspection by an ASCS representative shall be considered excess tobacco if later resold.

(l) *Invoice to purchaser.* Warehousemen shall keep copies of bill out invoices to the purchaser showing by grade the basket number and pounds purchased.

§ 726.94 Dealer's records and reports.

Each dealer, making purchases from a burley producing area except as provided in § 726.95, shall keep the records and make the reports as provided by this section separately for each kind of tobacco.

(a) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the State ASCS office with respect to each lot of tobacco purchased by him the folowing information:

(1) (i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale, (ii) the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonauction sale, including the records and reports for farm scrap tobacco, and (iii) the name of the seller in the case of nonauction purchasers from warehousemen and dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer, and as to each lot of tobacco sold by him the following information:

(i) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than an auction warehouse sale.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to the current crop, the fact that such tobacco was so bought and carried over.

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer from a burley producing area shall be identified by a marketing card issued for the farm on which the tobacco was produced unless prior to purchase a C&MS inspection certification is obtained showing that the number of pounds offered for sale is of a kind of tobacco not subject to quotas. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota"; (ii) in addition, Form MQ–72–2, Report of Tobacco Nonauction Purchase, shall be prepared and shall show: (*a*) Date of purchase, (*b*) identification number of buyer, (*c*) identification of producer selling the tobacco

as shown on the marketing card, including his name and address and complete farm number, (*d*) type code 31, (*e*) pounds purchased, and (*f*) amount of penalty collected. The dealer shall record each nonauction purchase of tobacco made by him on MQ–79.

(2) If tobacco is marketed from a farm part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(c) *Record and report of purchases and resales.* (1) Except as provided in subparagraph (2) of this paragraph, each dealer shall keep a record and make reports on MQ–79, showing all purchases and resales of tobacco made by or for the dealer, and in the event of purchase or resale of tobacco bought from a crop produced prior to the current crop, the fact that such tobacco was bought by him and carried over from a crop produced prior to the current crop.

(2) Form MQ–79 shall be prepared and a copy, together with executed copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such locations open earlier than those where the tobacco would normally be sold at auction by farms, reports shall be prepared and forwarded, together with executed copies of MQ–72–2 for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on MQ–72–2, Report of Tobacco Nonauction Purchase, for nonauction purchases from a producer shall be that enumerated under paragraph (b) (1) (ii) of this section. For nonauction purchases from a dealer, the data to be entered on MQ–72–2 shall be the following: (i) Date of purchase; (ii) identification number of buyer; (iii) identification number of dealer making the sale; (iv) type code 31; and (v) pounds purchased.

(4) At the end of the dealer's marketing operations, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79 for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the actual weight of such tobacco. After the weight of such tobacco has been so obtained in this subdivision (iii), it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

(5) Notwithstanding the provisions of subparagraph (4) of this paragraph any dealer having tobacco transactions after March 1 shall make reports on MQ–79 at the end of each week, as provided in subparagraph (2) of this paragraph.

(d) *Daily report to warehouseman for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 726.95, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet. Such reports shall be furnished daily, if practicable; otherwise they shall be furnished at the end of each week.

(e) *Damaged tobacco purchased for later resale.* Any dealer or other person who plans to purchase tobacco in the form normally marketed by producers for resale that was damaged by such things as, but not limited to, fire and water shall prior to purchase report such plans to the State ASCS office issuing MQ–79, Dealer Record Book. Such report shall be timely made so as to allow prior inspection for the marketable value of such damaged tobacco, and the weighing and removal of such tobacco to be witnessed by representatives of the State ASCS office. Any damaged tobacco purchased prior to reporting such plans to the State ASCS office and subsequent inspection by an ASCS representative shall be considered excess tobacco if later resold.

§ 726.95 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resales, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 726.94. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1971–72 and subsequent marketing years, each dealer or buyer shall also make a report not later than April 1 of each year to the Director, Commodity Stabilization Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction for each warehouse (i) USDA registration number (warehouse code), (ii) name and address of warehouse, (iii) gross pounds originally billed to the buyer, (iv) gross pounds billed to the buyer for which payment was made, (v) gross pounds from the company correction account deducted for short baskets, short weights and returned baskets and, (vi) gross pounds from the company correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller, (dealer or farmer), (ii) seller's number (dealer's registration number or farm number, including State and county code), and (iii) pounds purchased.

§ 726.96 Records and reports of truckers, persons redrying, prizing, or stemming tobacco, and storage firms.

(a) Each trucker shall keep such records as will enable him to furnish the State ASCS office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer.

(2) The date of receipt of the tobacco.

(3) The number of pounds received.

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco and storage firms handling tobacco shall keep records showing:

(1) The information required above for truckers, and, in addition:

(2) The purpose for which the tobacco was received.

(3) The amount of any advance or loan made by him on the tobacco.

(4) The disposition of the tobacco.

(5) Person to whom delivered and pounds involved.

Any such person shall report the following information to the State committee within 15 days from the end of the marketing year:

(1) Name and address of each person for whom less than 100,000 pounds of tobacco was processed or stored during the marketing year.

(2) Pounds processed or stored.

§ 726.97 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, buyer, trucker, or as a person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 726.98 Failure to keep records and make reports or making false report or record.

(a) *Warehousemen and dealers*—(1) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the act, any warehouseman, processor, buyer, dealer, trucker, or person engaged

in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco who fails to make any report or keep any record as required, or who makes any false report or record, is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco warehouseman, dealer, or buyer who fails, upon being requested to do so, to remedy a violation by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(2) *Failure to obtain producer's marketing card or dealer identification card.* The failure of (i) any dealer or warehouseman to obtain a producer's marketing card, MQ–76, to identify a sale of producer tobacco or (ii) any dealer or warehouseman who fails to obtain a dealer identification card, MQ–79–2, to cover a resale of tobacco, shall constitute a failure to make a report.

(b) *False representations—warehousemen, dealers, and producers.* In addition to the monetary penalties prescribed in §§ 726.88 and 726.89 the penalties designated in paragraph (a) (1) of this section are in addition to penalties prescribed by other criminal statutes including United States Code, title 18, section 1001, which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, falsely identifying tobacco or buying and selling unused "110 percent of quota poundage" on marketing cards.

§ 726.99 Registration of warehousemen and dealers.

Any dealer or warehouseman dealing in tobacco shall be registered with U.S. Department of Agriculture. Such registration will be handled by the North Carolina State ASCS Office, Raleigh, N.C. Any person desiring to register as a dealer or warehouseman shall complete an "Application for Dealer Identification Card" and submit it to the State office. Warehousemen will be assigned a three-digit identification number and dealers will be assigned a four-digit identification number. Persons requesting it will be issued a dealer identification card, Form MQ–79–2.

§ 726.100 Duties of Kansas City ASCS Data Processing Center.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Processing Center (also referred to as KCDPC). The duties of the center are set forth in writing in frequent issuances of internal procedures.

§ 726.101 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General, and of the Commodity Stabilization Division and Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, and memorandas as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 726.102 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 3 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director, or the Director.

§ 726.103 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, and by all members of county and community committees, and all county office employees and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the act.

RESTRICTION ON USE OF DDT AND TDE

§ 726.104 Determination of use of DDT and TDE.

(a) *Definition.* DDT means a pesticide bearing the chemical, or a mixture of 1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane and 1,1,1-trichloro-2-(o-chlorophenyl) -2- (p-chlorophenyl) ethane. TDE means a pesticide bearing the chemical or a mixture of 1,1-dichloro-2,2-bis (p-chlorophenyl) ethane. In addition, DDT or TDE shall include any products containing derivatives of such pesticides.

(b) *Producer's report.* For each farm on which burley tobacco is produced, the farm operator or any producer on the farm shall for each year, beginning with the 1970 crop, file with the county office a report on MQ–38, Certification of Use or Nonuse of DDT or TDE on Tobacco, showing whether or not DDT or TDE was used on the tobacco in the field or after being harvested.

(c) *Failure to file report.* If the operator of a farm on which tobacco is being produced fails or refuses, within 7 days after a request of the county committee to file a report on MQ–38, Certification of Use or Nonuse of DDT or TDE on Tobacco, showing whether or not DDT or TDE was used on such tobacco, all tobacco of such crop produced on such farm shall be considered by the county committee to have been subjected to such a pesticide unless the county committee finds that failure to file the report was due to circumstances beyond the control of the farm operator.

(d) *Notice to farm operator.* A written notice shall be furnished to the operator of each farm where the county committee determines that tobacco, after being transplanted in the field or after being harvested from a farm, was treated with DDT or TDE. Such determination by the county committee shall be based (1) the certification on MQ–38, or (2) failure to file MQ–38, or (3) other probative evidence that such pesticides were used on the tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(e) *Producer's right to recertify.* Any producer on a farm who certified on MQ–38 that the tobacco on the farm was subjected to DDT or TDE when in fact no such pesticides were used, may make a new certification of the facts on another form MQ–38.

(f) *Issuance of marketing cards—Notation on card.* If a farm has tobacco available for marketing on which DDT or TDE was used, the marketing card issued for the farm shall bear the notation "no price support".

Consideration will be given to data, views, and recommendations pertaining to the proposed regulations covered by this notice which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (§ 1.27(b) of this title). All submissions must, in order to be sure of consideration, be postmarked not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 3, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–13282 Filed 9–9–71;8:47 am]

Consumer and Marketing Service

[7 CFR Part 966]

[Docket No. AO–265–A4]

TOMATOES GROWN IN FLORIDA

Notice of Hearing on Proposed Amendment of Marketing Agreement and Order

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 formulation of marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Auditorium of the Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, FL, beginning at 9 a.m. local time, October 7, 1971, with respect to proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. The proposal has not received the approval of the Secretary of Agriculture.

The hearing will provide an opportunity to collect evidence with respect to the economic, marketing and other conditions relating to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendment was submitted by the Florida Tomato Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon.

The proposal would amend § 966.48 *Research and development*, of the said agreement and order to authorize the use of any form of marketing research and development projects including paid advertising, and would read as follows:

§ 966.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of any form of marketing research and development projects including paid advertising designed to assist, improve or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 966.42.

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, Post Office Box 9, Lakeland, FL 33802.

Dated: September 7, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-13341 Filed 9-9-71;8:52 am]

Food and Nutrition Service

[7 CFR Parts 271, 272]

FOOD STAMP PROGRAM

Proposed Prohibition of Cash Change and Use of Coupons for Container Deposits

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2025), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, proposes to amend the regulations governing the Food Stamp Program to prohibit the return of cash in change in any food coupon transaction, and to prohibit the use of food coupons for payment of deposits on bottles or other returnable food containers.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to James E. Springfield, Director, Food Stamp Division, FNS, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received not later than the 30th day following date of publication of this notice in the FEDERAL REGISTER. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b).

The proposed amendments are as follows:

1. Paragraphs (a) and (d) of § 271.9 (7 CFR 271.9 (a) and (d)) are revised to read as follows:

§ 271.9 Use or redemption of coupons by eligible households.

(a) The head of the eligible household or his authorized representatives shall sign each book of coupons provided to the head of the household or his authorized representative. The coupons may be used only by the head of the household or other persons selected by him to purchase eligible food for the household. Coupons may not be used to pay for deposits on bottles or other returnable food containers. Except for those uncanceled and unendorsed coupons of 50-cent denomination returned as change by authorized retail food stores or nonprofit meal delivery services, coupons shall be detached from the book only at the time such coupons are used for payment of eligible food purchased in or delivered by authorized retail food stores or nonprofit meal delivery services. It is the right of the head of the household or his authorized representative to detach the coupons from the book at the time of purchase or delivery.

* * * * * *

(d) When change in an amount of less than 50 cents is required in a coupon transaction, it is the right of the head of the household or his authorized representative to exercise the option to receive credit for an equivalent value (not to exceed 49 cents) of eligible food, to trade out in eligible food the difference between the cost of the purchase and the next higher 50-cent increment, or to pay in cash the difference between the cost of the purchase and the next lower 50-cent increment.

* * * * *

2. Paragraphs (b) and (e) of § 272.2 (7 CFR 272.2 (b) and (e)) are revised to read as follows:

§ 272.2 Participation of retail food stores, and nonprofit meal delivery services.

* * * * *

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible food as defined in § 270.2(s) of this subchapter. A food retailer shall not knowingly accept coupons for any imported meat or meat products. The acceptance of coupons for meat or meat products which are labeled or can be identified as imported when they are delivered to the retail food store or to a central warehouse, a distribution center or meat fabricating facility, operated by the food retailer shall be deemed to have been done with knowledge of the fact that such meat or meat products were imported. Any other food product which is clearly identified on the package as being imported shall not be exchanged for food coupons. An authorized food retailer shall not accept coupons in payment for deposits on bottles or other returnable food containers.

* * * * *

(e) Change in cash shall not be given for coupons. An authorized food retailer or nonprofit meal delivery service must use for the purpose of making change in an amount of 50 cents or more, those uncanceled and unmarked coupons having a denomination of 50 cents which were previously accepted in exchange for eligible foods. If change in an amount of less than 50 cents is required, the eligible household shall have the option of receiving credit from the authorized firm for future delivery of an equivalent value of eligible foods, or of trading out in eligible food the difference between the cost of the purchase and the next higher 50-cent increment, or of paying in cash the difference between the cost of the purchase and the next lower 50-cent increment. Credit in excess of 49 cents shall not be returned in coupon transactions. Tokens or credit slips used for change in coupon transactions shall conform with the following:

(1) Tokens shall not resemble U.S. coins in any way.

(2) Tokens shall be dissimilar in size and material to lawful coins.

(3) Tokens or coupons shall bear language similar to the following: "Redeemable only in eligible food and only at (insert the name of the issuing store or chain) store(s)."

(4) Credit slips or tokens shall not bear the seal of the Department.

(5) Credit slips shall be clearly and easily distinguishable from the official food coupons.

(6) Credit slips or tokens shall not in any way indicate that they are obligations of the United States or the Department.

(7) Credit slips or tokens issued by one authorized firm shall not be accepted by another authorized firm unless the two firms are under single ownership, or are members of a food marketing cooperative and hold themselves out to be members of the same cooperative by use of the same name, trademarks, house brands, etc.

* * * * *

(78 Stat. 703, as amended, 7 U.S.C. 2011-2025)

Dated: September 3, 1971.

RICHARD LYNG,
Assistant Secretary.

[FR Doc.71-13298 Filed 9-9-71;8:48 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

INCOME TAXES

Mineral Production Payments; Notice of Hearing

Proposed regulations under section 636 of the Internal Revenue Code of 1954, relating to income tax treatment of mineral production payments, appear in the FEDERAL REGISTER for July 2, 1971 (36 F.R. 12624).

A public hearing on the provisions of the proposed regulations will be held on Thursday, October 7, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by September 27, 1971 submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by September 30, 1971. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

RICHARD M. HAHN,
Acting Chief Counsel.

[FR Doc.71-13464 Filed 9-9-71;9:55 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NW-15]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho, control zone.

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, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A review of the terminal airspace requirements for the Boise Air Terminal (Gowen Field) indicates that an extension to the control zone is required to provide controlled airspace protection for aircraft executing the Orchard One Departure SID while operating between the surface and the base of adjacent controlled airspace.

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

In § 71.171 (36 F.R. 2055), the description of the Boise, Idaho, control zone is amended as follows:

Add to the text "* * * and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC."

This amendment is proposed under 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 Seattle, Wash., on August 31, 1971.

C. B. WALK, Jr.
Director, Northwest Region.

[FR Doc.71-13295 Filed 9-9-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-14]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Roseau, Minn., 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 identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to redesignate the Roseau, Minn., transition area as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (lat. 48°51'25" N., long. 95°41'40" W.); within 2½ miles each side of the 163° bearing from Roseau Municipal Airport, extending from the 5-mile-radius area to 7 miles south of the airport; and within 2½ miles each side of the 341° bearing from Roseau Municipal Airport, extending from the 5-mile-radius area to 7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles south of the airport; and within 4½ miles west and 9½ miles east of the 341° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles north of the airport excluding the portions outside the United States.

The proposed redesignation would provide controlled airspace for aircraft conducting revised instrument approach procedures designed for the Roseau, Minn., airport.

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

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-13294 Filed 9-9-71;8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510, 543]

[Docket No. 71-22]

SCHEDULE OF FEES AND CHARGES

Cost Basis Utilized in Development; Further Enlargement of Time to Comment

On March 20, 1971, the Federal Maritime Commission served notice in the

FEDERAL REGISTER (36 F.R. 5369–5371) that it was considering the establishment of a schedule of fees and charges for services rendered by the Commission in connection with its regulatory activities. The proposed schedule of fees extended the limited existing fee system to cover services for which no charge is presently assessed, and increased certain existing fees. The areas of Commission responsibility covered by the proposed fees include: (1) Independent ocean freight forwarder licensing; (2) passenger vessel certification; (3) temporary tariff filing; (4) special permission (to file tariff matter on less than statutory notice); (5) agreement (including dual rate system) filing; and (6) special services.

As emphasized in the Commission's notice of proposed rule making, the proposed establishment of filing and user fees is grounded on title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)),[1] as implemented by the general guidelines contained in Circular No. A–25 of the Office of Management and Budget.[2]

In arriving at the proposed schedule of fees, the stated purpose of which was the "recouping for the Government a portion of the Commission's cost of regulating the Maritime industry," the Commission explained that "considerable effort has been directed toward selecting those services * * * which are readily identifiable and assigning to each a fair and equitable assessment." In considering the amount of the individual fees themselves, the Commission further stated that it had endeavored "by balancing the staff and time involved, the value of the service to the recipient, and the public interest served," to determine the fair and equitable share of costs, which in its judgment, should be borne by those who request the services and benefit from them.

The public response to the Commission's notice of proposed rule making reflects large-scale interest in the proposal. Some 65 formal comments were filed by, or in behalf of, numerous interested parties representing every segment of the maritime industry. As might be expected, their views vary widely.

One recurring argument, advanced by some commentators, concerns the manner in which the Commission arrived at its fee schedule and the relationship of this schedule to the cost of the "services" being provided. While some parties argue that the Commission has failed to take into consideration the "actual costs" which the proposed fees are to reflect, others believe that the Commission considered only its own costs in establishing its proposed fee schedule, without regard to other considerations such as "value to the recipient, public policy or interest served, and other pertinent facts." For whatever reason, however, the Commission's proposed fee schedule is alternatively characterized as being "too high," "excessive," "grossly exaggerated," or "arbitrary," either in whole or in part.

On the theory that without at least some showing of the cost computations which went into ascertaining the direct and indirect costs of the services involved, there is no way that any person can determine whether the Commission has in fact (1) complied with title V and the implementing Budget Circular No. A–25 by ascertaining the full costs of the services in question and (2) been "fair and equitable" in setting the related fees, some parties take the position that the Commission is "required" to present a reasonably detailed cost estimate explaining how the quantum of the fees and charges was aimed at. While we do not necessarily agree that we are "required" to disclose in detail the cost basis for our proposed fee schedule, we nevertheless do see certain merit in the argument that our failure to make known our cost computations precludes the parties to this proceeding from being able to assess the validity of particular fees and charges. For that reason and in order to assure that the parties to these comments are provided all the procedural safeguards to which they are entitled, we are publishing herein the information requested and allowing an additional period of time for the parties to comment thereon.

Since no purpose would be served by treating, at this time, the other views and arguments which are directed to the proposed fee schedule and the Commission's authority to issue same, we will delay final discussion of those matters pending receipt of any additional comments that may be submitted pursuant to this notice.

I. DIRECT AND INDIRECT COSTS FOR SERVICES PROVIDED BY THE COMMISSION UTILIZED IN COMPILING THE SCHEDULE OF FEES AND CHARGES PROPOSED IN DOCKET NO. 71–22

The cost analysis set forth herein was prepared, at the Commission's direction, by our Office of Budget and Finance, and includes the use of data submitted by the operating offices with regards to man-day requirements and other direct costs involved in providing the particular service in question, together with the available fiscal data. Based on this study conducted by the Office of Budget and Finance, the Commission has determined, to the extent possible, the cost per unit to the Government for handling and processing the various types of services performed by it for which a fee or charge is proposed. In determining the amount thereof, we took cognizance of the fact that we are not required to keep cost records on a case-by-case basis, but are authorized to average the cost in a particular service. "Aeronautical Radio, Inc. v. United States,"[3] 335 F. 2d 304 (7th Cir. 1964), cert. denied, 379 U.S. 966 (1965). Moreover, due to the nature of some of the cost items, the average unit cost underlying the performance of a particular service can, of necessity, be only an estimate. A well calculated and sound estimate but, nevertheless, an estimate.

Included in estimating the expenses incurred and allocable to particular types of services rendered were the salaries of the Commission employees directly concerned with the particular activity involved, including the Government's contributions to employees' retirement, health benefits and life insurance. To provide for these Government contributions, personal service costs have been increased by 8 percent.

In addition, as an indirect cost, an amount equal to 25 percent of personal service costs has been included to cover sick and annual leave accruals and administrative supervision and overhead. Of that 25 percent approximately 15 percent is attributable to leave and the remaining 10 percent to administrative supervision and overhead. Ten percent of personal service cost, we feel, is an extremely conservative amount to attribute to overhead.

Personal service cost factors used in our analysis reflect today's salary rates which are in the range of 35–40 percent higher than the rates in effect in 1966. Our determination of the cost data to be included represents a current interpretation of what constitutes "cost" as expressed by the Comptroller General in his October 23, 1970, Report to Congress, entitled "Need to Improve Administration of Fees and Charges of Regulatory Agencies."

In the establishment of specific fees for particular services, the actual cost of a particular service was computed as follows. First, the average number of man-days, including clerical time, necessary to perform the particular activity involved was determined on the basis of past experience. This figure was then multiplied by the average daily rate of pay of the Commission employees directly concerned with the particular activity involved to arrive at the average cost per unit. The average unit cost was then generally increased 8 percent to cover personnel benefits and then an

[1] Title V enunciates Congressional policy that "any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible." In order to bring about the accomplishment of this objective, title V authorizes the head of each agency to prescribe by regulation such fees and charges as he shall determine "to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts."

[2] Essentially, Circular No. A–25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Federal Government service from which he derives a benefit in order that the Government recover the full cost of rendering that service.

[3] It is in "Aeronautical Radio," supra, that the court found title V to be a constitutional delegation of authority by the Congress to the independent regulating agencies to fix and assess fees. That decision, in effect, approved a schedule of fees established by the Federal Communications Commission for services performed by it which have many characteristics in common with the services for which a fee or charge is proposed herein.

additional 25 percent to cover administrative supervision and overhead.[4] The result is the average unit cost incurred by the Government to perform the particular service in question and proposed to be recovered, at least in part, by a fee or charge.

The following analysis, therefore, reflects, as to each particular service or activity covered by our proposed fee schedule, a compilation of average unit cost factors, prepared by our staff and considered by us in the development of the proposed schedule. It was prepared on the basis of generally accepted accounting and cost procedures and in the light of the guidelines contained in Budget Circular No. A-25. A short narrative relating to each fee item is also included. This generally sets forth the procedures and functions attendant to each Commission activity covered by a fee and details the average cost computations.

[4] Where applicable, an amount for travel expenses or other additional expense was added to the unit cost.

I. INDEPENDENT OCEAN FREIGHT FORWARDER FEES

A. Summary of Charges and Costs:

Fee item	Proposed fee	Average unit cost	Estimated annual volume	Estimated annual revenue	Estimated annual cost
Application	$300	$773.97	70	$21,000	$54,177
Transfer of license	300	350.12	20	6,000	7,002
Branch office	25	26.26	75	1,875	1,970
Reissuance of license	10	13.10	30	300	393
Total				29,175	63,542

Salary data	Total annual salaries	Average annual salary	Average daily rate of pay
Office of Freight Forwarders	$53,946	$13,486	$51.87
Bureau of Enforcement	408,542	14,484	55.71

B. Discussion and Computations:

1. *Application fee.* It is estimated that 70 freight forwarder applications will be received annually (35 were received during the period January 1, 1971, and May 31, 1971).

Procedures covered by the proposed application fee include preparation of file; examination of the application; referral to the Bureau of Enforcement for field investigation; conduct of field investigation; preparation of investigative report; review of investigative report; correspondence with applicant regarding the report or to cure deficiencies in the application; acceptance of bond; determination as to applicant being "fit, willing, and able"; advice to applicant concerning action taken on application; issue license; and, recommendation for hearing in those cases where applicant is advised of intention to deny license.

An analysis was made by the Bureau of Enforcement covering the actual time devoted by the field investigative staff to the 53 applications filed in fiscal year 1970. That analysis disclosed that 32 of the 53 applicants, were located outside of the areas of our field offices and therefore required travel time to accomplish the investigation. The time required by the field staff of the Bureau of Enforcement for freight forwarder investigations in fiscal year 1970, including travel time and clerical support, averaged 4 man-days per application.

The Office of Freight Forwarders, consisting of four employees charged with responsibility for the entire freight forwarding program, has determined that it requires an average of 6 man-days, including clerical time, to process an application from initial receipt to final action. Based on the estimated volume of 70 applications a year, this indicates that approximately 40 percent of the total staff effort of this office is allocated to processing applications.

These factors result in the following computation of the average cost of processing a freight forwarder application:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of Freight Forwarders	6	$51.87	$311.22
Bureau of Enforcement	4	55.71	222.84
Total			534.06
Personnel benefits (8 percent)			42.72
Total, personal services			576.78
Travel[1]			50.00
Credit reports			3.00
Total, direct cost			629.78
Administrative supervision and overhead			144.19
Total cost			773.97

[1] Based on experience in fiscal year 1970.

2. *Transfer of license fee.* Approximately 20 requests are received annually for permission to transfer freight forwarder licenses to new ownership.

In processing these requests, it is necessary to determine the identity of the transferee; obtain pertinent data regarding the new ownership, such as other interests, shipper connections, financial condition, and capability to render service as a freight forwarder; obtain and examine new bond; conduct correspondence with applicant; recommend action to be taken on the request for transfer; and, issue license to transferee upon approval.

Almost as much staff effort is required by the Office of Freight Forwarders in processing a request for transfer of license as is utilized by that office in processing an initial application for license. This is due to the need to determine that the transferee is "fit, willing, and able", under the regulations, to the same extent that such determination is made in connection with a new applicant.

As a rule, in a transfer of license, the application and supporting papers together with the official Commission file on original licensee limit the requirement for field investigation to a minimum. Accordingly, and in view of the relatively small annual volume, investigative staff effort has been excluded in developing the average cost factors for processing requests for transfer of license.

The following tabulation reflects the computation of the average cost of processing these requests:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of Freight Forwarders	5	$51.87	$259.35
Personnel benefits (8 percent)			20.75
Total, direct cost			280.10
Administrative supervision and overhead (25 percent)			70.02
Total cost			350.12

3. *Branch office fee.* Requests are received at the rate of 75 annually for approval of a branch office or the right to operate through a separate establishment.

Procedures covered by the proposed fee for branch office approval include identification of personnel who will operate the branch office; determination of qualification of such persons; conduct of necessary correspondence with the applicant; and, recommendation for approval or denial of branch office.

It is estimated that this process requires, on the average three hours of staff effort by professional and clerical employees of the Office of Freight Forwarders for each application.

The following tabulation reflects the computation of the average cost of processing these requests:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of Freight Forwarders	0.375	$51.87	$19.45
Personnel benefits (8 percent)			1.56
Total, direct cost			21.01
Administrative supervision and overhead (25 percent)			5.25
Total cost			26.26

4. *Reissuance of license.* Requests are received at the rate of 30 annually for the issuance of a new license to replace a lost or destroyed license or by reason of a minor change in the name under which the forwarder is doing business.

This process requires a review of the file for data concerning the licensee; correspondence with the applicant when additional information is needed; and, preparation and issuance of new license.

It is estimated that approximately 1½ hours of staff effort by professional and clerical employees of the Office of Freight Forwarders is the average time required for processing requests for reissuance of license.

The following tabulation reflects the average cost computation:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of Freight Forwarders	0.187	$51.87	$9.70
Personnel benefits (8 percent)			.78
Total, direct costs			10.48
Administrative supervision and overhead (25 percent)			2.62
Total cost			13.10

II. PASSENGER VESSEL CERTIFICATION FEES

A. Summary of Charges and Costs:

Fee item	Proposed fee	Average unit cost	Estimated annual volume	Estimated annual revenue	Estimated annual cost
Application	$100	[1] $251.75	24	$2,400	$6,042
Vessel Certification			24	240	
50-500 berths	5				
501-1000 berths	10				
1001-1500 berths	15				
Over 1500 berths	25				
Total, proposed				2,640	6,042

[1] This average unit cost includes cost of processing certificates.

Salary data	Total annual salaries	Average annual salary	Average daily rate of pay
Office of Passenger Vessel Certification	$29,835	$14,918	$57.38

B. Discussion and Computations—Application and Vessel Certification Fees:

An average of 24 applications are received annually for passenger vessel financial responsibility certificates.

The procedures covered by the proposed application fee and vessel certification fee include advising the applicant regarding compliance with Public Law 89-777 and the Commission's General Order 20; preparation of file; furnishing applicant with a package of law, rules, and forms; discussion of type and amount of evidence of financial responsibility required; discussions and/or correspondence with insurance brokers, sureties, P&I Club representatives; review of application, evidence of financial responsibility, charter parties, sales agreements, managing agent or port agent agreements, and financial statements; contact with the applicant regarding any deficiencies; preparation of notices for publication in the FEDERAL REGISTER; preparation of recommendation for Commission approval; and preparation of certificate and reissuance of certificate in the event of loss or damage to original certificate.

The Office of Passenger Vessel Certification, consisting of two employees charged with responsibility for this program, has determined that it requires an average of 3.25 man-days, including clerical time to process an application and issue the requisite certification. Based on the estimated volume of 24 applications a year, this indicates that approximately 15 percent of the total staff effort of this office is allocated to processing new applications for passenger vessel financial responsibility certificates.

The following tabulation reflects the average cost computation:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of passenger vessel certification	3.25	$57.38	$186.48
Personnel benefits (8 percent)			14.92
Total, direct costs			201.40
Administrative supervision and overhead (25 percent)			50.35
Total cost			251.75

III. TEMPORARY TARIFF FILING FEE

A. Summary of Charges and Costs:

Proposed fee	$1.00 per item. $5.00 minimum filing.
Average filing cost	$4.35.
Estimated annual volume.	10,000 filings.
Estimated annual revenue.	$52,500.[1]
Estimated annual cost.	$43,500.

[1] This estimated revenue figure includes estimate for filings containing more than five rate items.

Salary data	Total annual salaries	Average annual salary	Average daily rate of pay
Office of tariff and practices	$462,500	$13,214	$50.82

B. Discussion and Computations:

It is estimated that the annual volume will approximate 10,000 temporary tariff filings in the foreign trades.

These filings are submitted by letter, wire, tariff circular, telex, and marked looseleaf tariff pages. Acceptance of temporary tariff filings, particularly after business hours and on weekends, has necessitated installation of telex equipment.

Workload involved in handling temporary filings includes initial clerical processing; review and analysis by the examiner; contact with carrier to correct defects in the filings; maintenance of tariff files; and, upon receipt of permanent tariff, review and analysis for verification with temporary filings. This process requires an average of approximately one-half hour of professional and clerical combined staff effort in the Office of Tariffs and Practices.

The following tabulation reflects the computation of average cost:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of tariffs and practices	0.062	$50.82	$3.15
Personnel benefits (8 percent)			.25
Total personal services			3.40
Equipment rental			.10
Total, direct cost			3.50
Administrative supervision and overhead			.85
Total cost			4.35

IV. SPECIAL PERMISSION APPLICATION FEE

A. Summary of Charges and Cost:

Proposed fee	$25.00
Average unit cost	$25.73
Estimated annual volume	350
Estimated annual revenue	$8,750.00
Estimated annual cost	$9,005.00

Salary data	Total annual salaries	Average annual salary	Average daily rate of pay
Office of tariffs and practices	$462,500	$13,214	$50.82

B. Discussion and Computations:

Approximately 350 applications are received annually for special permission to file tariff matter on less than statutory notice.

This procedure requires special handling in the review and examination of

the application for permission, under the "good cause" provision of the statute, to waive the 30-day tariff filing notice required in the publication of rate increases and new or initial rates. The examiners findings are presented to the Managing Director with recommendation as to action to be taken on the application.

The Office of Tariffs and Practices has determined that the average processing time is 3 hours of professional and clerical staff effort for special permission applications.

The following tabulation reflects average cost computation:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of tariffs and practices	0.375	$50.82	$19.06
Personnel benefits (8 percent)			1.52
Total, direct cost			20.58
Administrative supervision and overhead (25 percent)			5.15
Total cost			25.73

V. AGREEMENT FILING FEES

A. Summary of Charges and Costs:

Fee item	Proposed fee	Average unit cost	Estimated annual volume	Estimated annual revenue	Estimated annual cost
Section 15 agreements	$1,000	$1,051.99	288	$288,000	$302,973
Dual rate systems	1,000	1,051.99	15	15,000	15,780
Exemptions	500	561.06	2	1,000	1,122
Transshipment agreements	25	25.73	40	1,000	1,029
Totals				305,000	320,904

Salary data	Total annual salaries	Average annual salary	Average daily rate of pay
Office of agreements	$297,180	$13,508	$51.95

B. Discussion and Computations:

1. *Section 15 agreement and dual rate system filing fees.* It is estimated that 288 section 15 agreements and 15 dual rate systems will be filed annually.

Procedures covered by the proposed application fees for approval of section 15 agreements (including amendments and modifications) and for permission to utilize exclusive patronage (dual rate) contract systems (including amendments) under section 14(b) of the Shipping Act, 1916 include preparation of file; examination of the agreement, modification or contract; preparation of notice to the public for insertion in the FEDERAL REGISTER; correspondence with applicant regarding the agreement or contract, requesting additional justification to meet the antitrust test of sufficient transportation need or to revise the filing to meet Commission policy, statutory and general order requirements; review comments and protests from conferences, carriers, shippers, ports and governments; prepare recommendations for approval, disapproval, or modification, or to initiate formal investigation or hearing; advise applicant by letter of Commission action including order issued and further conditions imposed.

The types of agreements include conference, ratemaking, transshipment, joint service, pooling of revenue and cargo, scheduling of sailings, container interchange, space charter, terminals and other cooperative working arrangements.

The Office of Agreements, consisting of 22 employees, has determined that it requires an average of approximately 15 man-days of staff effort, including both professional and clerical time, to process an agreement, dual rate system, or modifications thereto. This is with full realization that some will require considerably more and others considerably less than the average. There are no yardsticks by which it may be determined that type A or B agreement should require X number of days staff effort because there is no consistency present. The only usable guideline is the pattern set by experience over the past several years and that is the basis upon which the overall average of 15 man-days has been established. This man-day average also takes into consideration the time necessary to maintain surveillance over the agreement or dual rate system once approved.

The following tabulation reflects average cost computation:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of agreements	15	$51.95	$779.25
Personnel benefits (8 percent)			62.34
Total, direct costs			841.59
Administrative supervision and overhead (25 percent)			210.40
Total cost			1,051.99

2. *Exemption filing fee.* Section 35 of the Shipping Act, 1916 (46 U.S.C. 833 (a)), provides for exemption of a class of agreements or a specified activity from the requirements of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933 where it is found that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

A total of seven such requests for exemption have been filed since the law became effective in November 1966. Accordingly, it is not considered likely that there will be much future activity in this area.

However it has been determined that a request for exemption under this statute, will require as an average, approximately 8 man-days of combined professional and clerical effort to prepare the file; examine the request; conduct correspondence with interested parties; preparation of notices; analysis of comments; determination as to justification under the statute; and preparation of recommendation for action by the Commission.

The following reflects computation of average cost:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of agreements	8	$51.95	$415.60
Personnel benefits (8 percent)			33.25
Total, direct costs			448.85
Administrative supervision and overhead (25 percent)			112.21
Total cost			561.06

3. *Transshipment agreement filing fee.* Approximately 40 nonexclusive transshipment agreements are filed annually pursuant to Commission General Order 23 (46 CFR Part 524).

This procedure involves initial clerical processing; review and analysis by examiner for conformance with requirements of General Order 23; correspondence to cure deficiencies; and preparation of advice to the carrier concerning implementation of the agreement.

It has been determined that the average processing time is 3 hours of professional and clerical staff effort for nonexclusive transshipment agreements. Since these agreements are considered workload of the Office of Tariffs and Practices, the average daily rate of pay for that unit ($50.82) has been used in computing the average unit cost.

The following reflects computation of average cost:

	Average number of days per unit	Average daily rate of pay	Average cost per unit
Personal services:			
Office of tariffs and practices	0.375	$50.82	$19.06
Personnel benefits (8 percent)			1.52
Total, direct costs			20.58
Administrative supervision and overhead (25 percent)			5.15
Total cost			25.73

VI. FEES FOR SPECIAL SERVICES

A. Summary of Charges and Costs:

Fee item	Proposed fee	Average unit cost	Estimated annual volume	Estimated annual revenue	Estimated annual cost
Copying of records and documents—per page	$0.30	$0.34	21,000	$6,300	$7,140
Certification and validation	2.00	2.00	30	60	60
Records Information Search:					
Clerical per hour	5.00	5.00	60	300	300
Professional	actual	actual			
Minimum	5.00				
Subscription to Publications:					
1. All issuances	50.00	67.99	100	5,000	6,799
2. Final decisions	20.00	36.82	25	500	920
3. General orders	10.00	15.90	90	900	1,431
Specific docket listing	5.00	5.00	75	375	375
Automobile Manufacturers Measurements	10.00	9.96	125	1,250	1,245
1. Current Annual Supplement	(5.00)	(5.47)			
2. Prior data	(5.00)	(4.49)			
Totals				14,685	18,270

B. Discussion and Computation:

1. *Copying of records and documents fee.* Approximately 21,000 pages are copied annually for the public by use of an electrostatic process.

The proposed fee of 30 cents a page is not a new or revised fee. It is a restatement of the fee approved for this service in 1969. It contemplates an average of 4 minutes to identify and remove an item from file and then photocopy.

The following tabulation reflects development of average cost data:

Personal services:	
Annual rate used (GS–5)	$6,938.00
Hourly rate	$3.34
Number of minutes for 1 page	4
Salaries	$0.22
Personal benefits (8 percent)	$0.02
Total, personal services	$0.24
Machine rental and supplies	$0.04
Total, direct costs	$0.28
Administrative supervision and overhead	$0.06
Total cost	$0.34

2. *Certification and validation fee.* Approximately 60 requests are received annually for certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission.

The proposed fee of $2 for each such certification and validation is not a new or revised fee. It is a restatement of the fee approved for this service in 1969. It requires clerical handling, document identification, imprinting the official Commission seal, and return to person from whom the request was received.

The proposed fee, considered compensatory, is consistent with fees generally charged for this type of special service by other regulatory agencies.

3. *Records information search fee.* This service made available to the public varies in volume from year to year. Based on recent experience, we can expect requests approximating 60 hours of clerical effort in this area.

The fee for technical or professional labor shall be based on the actual hourly rate of the employee(s) selected to do the job, plus additional charges to cover overhead, leave accrual, and personnel benefit contributions.

The fee for clerical assistance is $5 per hour. This is based on an hourly rate of $3.71 (GS–6) plus $0.29 for personnel benefit contributions and $1 for overhead and leave accrual.

4. *Subscriptions to publications fee.* The following subscriptions are available:

Subscription No. 1—All orders, notices, rulings and decisions at a proposed fee of $50 and an annual volume of 100 subscriptions.

Subscription No. 2—Final decisions of the Commission at a proposed fee of $20 and an annual volume of 25 subscriptions.

Subscription No. 3—General orders at a proposed fee of $10 and an annual volume of 90 subscriptions.

The proposed fees for these subscriptions represent the first revision since January 1, 1965, and are calculated to more nearly recover the current costs associated with this special service, i.e., labor required in preparation for mailing, postage, and duplicating costs.

The following tabulation reflects development of that cost data:

	Subscription No. 1	Subscription No. 2	Subscription No. 3
Personal services:			
Number of mailings per year	52	30	24
Number of minutes per mailing	5	5	5
Number of minutes annually	260	150	120
Number of hours annually	4½	2½	2
Hourly rate of pay	$3.00	$3.00	$3.00
Salaries	$13.00	$7.50	$6.00
Personnel benefits (8 percent)	1.04	.60	.48
Total personal services	14.04	8.10	6.48
Postage:			
52 Mailings @ $0.37 each	19.24		
30 Mailings @ $0.37 each		11.10	
24 Mailings @ $0.20 each			4.80
Duplicating cost:			
2,080 Pages @ $0.015	31.20		
1,040 Pages @ $0.015		15.60	
200 Pages @ $0.015			3.00
Total direct costs	64.48	34.80	14.28
Administrative supervision and overhead	3.51	2.02	1.62
Total cost	67.99	36.82	15.90

5. *Specific docket listing fee.* Approximately 75 requests are received annually for placement on the mailing list to receive orders, notices, decisions, etc., in a particular docketed proceeding.

This special service requires clerical handling at each stage of the proceeding in compliance with the request. It involves duplicating costs, preparation for mailing, and postage.

The proposed fee assumes that the combined staff effort will approximate 1 hour for all services. It consists of an hourly rate of $3.71 (GS–6) plus $0.29 for personnel benefits and $1 for overhead and leave accrual.

6. *"Automobile manufacturers measurements" subscription fee.* There are 125 annual subscriptions presently in force for the publication entitled "Automobile Manufacturers Measurements."

The proposed fee of $10 per year represents a revision of the existing fee of $5 which was established in 1967.

This document contains data on cubic measurements as prescribed by manufacturers for each particular make and model of automobile.

A subscription fee entitles subscriber to a complete set of reference material containing data on the 5 preceding model years, supplemented by a copy of each supplement and amendment published during the subscription year.

The following tabulation reflects development of average cost data based on 125 subscriptions:

	Office of tariffs and practices	Division of office services	Total original cost	Cost to reprint
Annual Supplement:				
Personal services:				
Total time on project	7.5 days	5.0 hours		
Average time per unit (125)	0.06 days	0.04 hours		
Average rate of pay $50.82 per day $3 per hour.				
Salaries	$3.05	$0.12	$3.17	$0.12
Personnel benefits (8 percent)	.24	.01	.25	.01
Total, personal services	3.29	.13	3.42	.13
Postage			.30	.30
Duplicating cost (60 pages @ $0.015)			.90	.90
Total, direct costs			4.62	1.33
Administrative supervision and overhead			.85	.03
Total, cost of annual supplement			5.47	1.36
Initial Book:				
Personal services (division of office services).				
Total time on project				10.0 hours
Average time per unit				0.08 hours
Average rate of pay				3.00 per hr.
Salaries				$0.24
Personnel benefits (8 percent)				.02
Total, personal services				.26
Postage				.50
Duplicating cost (154 pages @ $0.015)				2.31
Total, direct cost				3.07
Administrative supervision and overhead				.06
Total cost of initial book				3.13
Total, prior data				4.49

II. Other Factors Considered in Determining the Level of the Proposed Fees and Charges

It will be noted from the above cost analysis that recovery of full costs is not contemplated in most instances. This is in keeping with the overall agency effort to determine a "fair and equitable" distribution of costs, within the meaning of title V. Any attempt to recover all costs would, we believe, have placed undue emphasis on the "cost" criterion as compared to other factors that must be considered.

The proposed fees represent approximately 89 percent of the average direct costs incurred by the Commission in relation to the various matters involved and, in our opinion, represent reasonable recoveries in relation to the benefits rendered. That the Commission fee proposal is conservative is further demonstrated by the fact that, while our budget for the new fiscal year is $5,300,000, the proposed schedule of fees is expected to generate approximately $400,000 on an annual basis, or only about 8 percent of the Commission's total salaries and expense expenditures. Failure to recover full actual costs reflects the fact that the Commission, in establishing the proposed schedule of fees and the level of the individual fees, not only considered the "direct and indirect costs to the Government", but other factors, such as "value to the recipient" and the "public policy or interest served", as well.

The Commission in conducting its regulatory activities confers special benefits on identifiable recipients above and beyond those which accrue to the public and it is, therefore, proper, and in implementation of the sense of Congress, that these recipients should bear a greater share of the Commission's costs incurred in the disposition of these matters. In this regard, we believe that all of the activities performed by the Commission for which a fee or charge is proposed can properly be said to provide such "special benefits" [*] to persons subject to our jurisdiction that justify the imposition of a fee or charge.

While some services provided by the Commission are of a greater benefit to a recipient (and accordingly more valuable to him) than others, the fact remains that our functions in connection with the various activities, listed in the fee schedule accompanying the notice of proposed rule making, generally result in some tangible benefit to the filing party over and above that which accrues to the general public. That the public generally may also benefit from a particular Commission activity does not alter the fact that the direct and primary beneficiaries are those who receive the licenses, or who are issued the certificates, or who are allowed to deviate from the normally prescribed tariff filing procedures, or who are granted authorization to enter into a conference or other anticompetitive type agreement.

Particularly criticized by numerous parties to this proceeding is the proposed $1,000 agreement filing fee. That conference agreements, pooling agreements, mergers and the like can result in something of substantial value to the person or persons filing the arrangement for approval is not, however, seriously debated by any commentator. Without approval under section 15 of the Shipping Act, 1916, the concerted activity contemplated by arrangement of the type described above would be subject to serious scrutiny under the antitrust laws. The Commission's approval of these anticompetitive agreements or arrangements is a prerequisite to their implementation and immunizes the parties thereto from the sanctions of the antitrust statutes. Considering the full implications of the approval of an agreement or arrangement under section 15, there is no question but that such approval is of value, financial and otherwise, to the recipient. Indeed, we believe that of all the services which the Commission renders, the approval of a "section 15 agreement" is of the greatest value to the recipient because it allows him to conduct his transportation operations in a manner that might otherwise be unlawful.

It is also clear that one who receives an independent ocean freight forwarder license is the recipient of something of considerable value. To insist that applicants for such licenses pay part of the costs incurred in granting them the licenses to carry on profitable businesses, with protection from uncontrolled competition is, we feel, fair and equitable. In the same manner, but possibly to a lesser degree, a passenger vessel certificate of financial responsibility, being necessary to the vessel owner's or operator's lawful operation of his business, is of value to him as a recipient.

Special permission to publish on less than the normal 30-day notice will also benefit the carrier filing the schedule because it affords it the opportunity to obtain traffic without the delay that would otherwise be necessary under the applicable statutory provisions. Likewise, the acceptance by the Commission of a temporary tariff filing is of benefit to the carrier involved because it allows it to circumvent the Commission's established procedures applicable to the filing of tariffs and effect lawful publication of a tariff in less time than would otherwise be necessary, thereby again affording it the opportunity to contract for the movement of goods at the newly filed tariff rate without the delay that would have normally attached.

It will be noted from our cost analysis that, as regards the filing of temporary tariffs, the proposed minimum fee is $5 as compared with an average unit cost of $4.35. Although the Commission, in setting the level of the proposed fees generally made certain that no individual fee would be higher than the best estimate of the unit cost allocable to the particular activity involved, the Commission feels justified in departing from the general policy underlying the establishment of the proposed schedule of fees in

[*] Budget Circular No. A-25 requires, inter alia, that:

A reasonable charge * * * should be made to each identifiable recipient of a measureable unit or amount of Government service or property from which he derives a special benefit.

The circular then goes on to define a "Government-rendered service" as including agency action which:

Enables the beneficiary to obtain more immediate gains or values (which may or may not be measurable in monetary terms) than those which accrue to the general public (e.g., receiving a patent, crop insurance, or a license to carry on a specific business) * * *.

this one instance. Although a considerable amount of the Commission's budget is attributable to the expenses of staffing and operating our Office of Tariffs and Practices, no fee or charge is now proposed for the filing of tariff pages as such; only the filing of "temporary tariffs" is presently proposed to be covered by a fee. For that reason and because the filing of a temporary tariff does represent a departure from the Commission's normal tariff filing procedures and, as such, requires special attention, we are of the opinion that the $5 minimum filing fee is a close approximation of cost and is fair and equitable under the circumstances.

In deciding not to propose a fee in connection with normal tariff publishing activity, but only in those instances where our specific approval is necessary to override a statutory requirement or an agency rule of general applicability, we were guided by public policy and public interest considerations as well as value-to-the-recipient considerations. While we realize that a carrier filing a tariff may receive a benefit, however remote, from such filing, the filing is of a much greater and more certain benefit to the general public and opposing carriers. We also feel that a general tariff filing fee would not only be burdensome on the carriers themselves, but might also cause the carriers to alter their normal tariff filing practices to the detriment of shipping public.

Because of public policy implications, the Commission has decided to forego the assessment of fees for certain of the other functions which it performs and which, on their face at least, would appear to be susceptable to a charge. Thus, for example, the Commission considered, but determined not to assess, a fee to accompany each complaint filed with it under the Shipping Act. Public interest considerations were also involved in the Commission's decision not to impose a fee on attorneys and others desiring a certificate to practice before this agency.

Title V directs that a fee be charged whenever work is performed, a service is provided, a cost incurred, and the filing party is benefited. This fact is inherent in the clearly expressed congressional policy that our work in performing certain activity be "self-sustaining to the full extent possible." Within this context, we have attempted to avoid establishing the individual fees at a level that would be so high as to discourage persons from performing transportation services required by the public or to otherwise unreasonably restrict their normal activities. Despite these attempts, some of our proposed fees are criticized as being excessive or inconsistent with fees charged by other agencies for similar services performed. In this regard, we must emphasize that this Commission's fees and charges were developed in terms of its own costs and benefits conferred and that they should not, and cannot, be judged by comparison with the fees which other agencies may charge to recover their costs for processing different matters.

All in all we feel that while our proposed fee schedule may not be without deficiency, it nevertheless represents what we consider to be the best available means of recovering a portion of our operating costs while at the same time giving full consideration to the criteria and directives of title V.

On the basis of the foregoing, notice is hereby given that the Commission will consider further comments in this proceeding. Interested parties, therefore, should file any new or additional comments with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 21 days from the date of publication of this notice in the FEDERAL REGISTER. Comments should be submitted in an original and 15 copies.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-13256 Filed 9-9-71;8:46 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-389A]

INITIAL RATES FOR FUTURE SALES OF NATURAL GAS FOR ALL AREAS

Notice Updating Nationwide Investigation

SEPTEMBER 2, 1971.

In our notice of July 17, 1970 (35 F.R. 11638), in Docket No. R-389A, we commented on the problems that interstate pipelines were having in obtaining new natural gas supplies and expanded our investigation, initially directed in Docket No. R-339 to the Permian Basin area intrastate sales, to a nationwide investigation of the prices and other relevant data on intrastate sales of natural gas throughout the United States, except Hawaii and Alaska. Following staff's investigations, reports thereon were filed in Docket No. R-389 on August 14, 1970, and in Docket No. R-389A on September 9, 1970.

On July 14, 1971, El Paso Natural Gas Co., Cities Service Gas Co., Natural Gas Pipeline Company of America, Northern Natural Gas Co., and Transwestern Pipeline Co. filed a joint motion in the above-entitled proceeding wherein they requested that the Commission order an update of the previous investigation instituted herein with respect to the prices and other relevant data on intrastate sales in the Permian Basin area and that a report be issued supplementing the Investigating Officer's report thereon filed in Docket No. R-389 on August 14, 1970.

We believe that these reports should be updated so as to keep the Commission fully informed of current developments in the intrastate markets throughout the Nation, except for Hawaii and Alaska.

Take notice that:

(1) The Commission shall update its investigation as instituted by notices issued on June 17, 1970, in Docket No. R-389, and as expanded on July 17, 1970, in Docket No. R-389A, with respect to the prices and other relevant data on significant intrastate sales of natural gas under contracts dated on and after July 1, 1970.

(2) For the purpose of the aforesaid investigation John W. Williams and Paul L. Brady, Staff Attorneys, are each hereby designated an officer of this Commission and empowered to administer oaths and affirmations, supoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant and material to the inquiry, and to perform all other duties deemed relevant and material to the inquiry, and to perform all other duties in connection therewith as prescribed by law. Nothing herein shall require that all deposits or other information obtained by subpoena duces tecum be publicly conducted or filed as a submittal in this docket. See 15 U.S.C. 717g. The report filed by the aforementioned officers in compliance herewith shall be submitted on a composite basis and the individual company information received as a result of this investigation will be kept in a confidential status in accordance with the provisions of section 8(b) of the Natural Gas Act.

(3) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13335 Filed 9-9-71;8:52 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1241]

NASA BOARD OF CONTRACT APPEAL RULES

Proposed General Procedures

Notice is hereby given that all persons desiring to submit written comments or suggestions respecting the proposed revisions to NASA Board of Contract Appeals Rules (Title 14, Chapter V, Part 1241, Subpart 1; 34 F.R. 3613-3617, February 28, 1969) hereinafter set forth may do so by filing them with the Chairman of the NASA Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546, not later than October 15, 1971.

ERNEST W. BRACKETT,
Chairman,
NASA Board of Contract Appeals.

Subpart 1241.1 revised in its entirety as follows:

Sec.
1241.101 Scope.
1241.102 Authority and applicability.
1241.103 Time.
1241.104 Representation.
1241.105 Taking an appeal.
1241.106 Contents of notice of appeal.
1241.107 Forwarding of notice of appeals.

Sec.

AUTHORITY: The provisions of this Subpart 1241.1 issued under 42 U.S.C. 2473(b)(1).

§ 1241.101 Scope.

This subpart prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereafter referred to as Board) arising from NASA contracts.

§ 1241.102 Authority and applicability.

(a) Under the provisions of Part 1209 of this chapter, the Board of Contract Appeals is authorized to act for the Administrator in hearing, considering and deciding appeals by NASA contractors from the findings of fact and final decisions of NASA contracting officers or their authorized representatives made under the color of the "Disputes" clause of a NASA contract. Under § 1209.102(c) of this chapter, the Board is granted the authority to issue its rules of procedure.

(b) The provisions of this Subpart 1241.1 shall apply after the effective date of this subpart to the following:

(1) All new appeals filed, and

(2) All new actions on pending appeals.

§ 1241.103 Time.

Time limitations provided in these rules are maximums and speedier resolutions of appeals may be accomplished if the full allowable time is not exhausted at each step. Except for the time established by the contract for taking an appeal, the Board may, for good cause and upon timely request, grant extensions of time for the taking of any action or for the filing of any document or brief provided for by these rules.

§ 1241.104 Representation.

At any stage of the appeal procedure and before the Board, an individual party may act or appear in person; a partnership by one of the partners; a corporation by an officer thereof, or an authorized representative of any of those including a duly licensed attorney at law. Upon receipt of a copy of notice of appeal from the contracting officer or the Board, the General Counsel, NASA Headquarters, shall promptly designate counsel to represent the interests of the Government.

§ 1241.105 Taking an appeal.

Notice of an appeal must be in writing, and must be mailed to or otherwise furnished the contracting officer in the manner and within the time specified therefor in the contract or allowed by law. An original and two copies of such notice should be furnished.

§ 1241.106 Contents of notice of appeal.

The notice of appeal shall be signed by the contractor or by his representative or attorney, shall indicate that an appeal is intended, and shall identify the contract (by number), and the final decision of the contracting officer from which the appeal is taken. The notice of appeal may contain or be accompanied with a statement of the grounds upon which it is based. The complaint referred to in § 1241.109 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint if it otherwise fulfills the requirements of a complaint.

§ 1241.107 Forwarding of notice of appeals.

Within 10 calendar days of receipt of an appeal in any form, the contracting officer or other recipient shall endorse thereon the date of mailing, if ascertainable, and the date of receipt and forward the appeal and the envelope, if any, in which it was received to the Board. The Board will promptly notify the appellant and the contracting officer of receipt of a notice of appeal and the appellant will be furnished with a copy of these rules.

§ 1241.108 Preparation, contents, organization, forwarding and status of appeal file.

(a) *Duties of contracting officer.* Within 30 calendar days of receipt of an appeal, the contracting officer shall assemble and transmit to the Board with a copy to the appellant and to the Government counsel, all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which the appeal is taken;

(2) The basic contract, including pertinent specifications, amendments, plans and drawings; and, if reprocurement costs are involved, the relet contract, including the pertinent specifications, amendments, plans and drawings attached thereto;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of testimony, memoranda, affidavits, or statements of facts, not privileged, by any person concerning the matter in dispute, made prior to the filing of the appeal and considered by the contracting officer in arriving at his decision.

(b) *Rights of the appellant.* The appellant may supplement the same with any documents not contained therein which he considers pertinent to the appeal, by furnishing a copy of such documents to the Board and two copies thereof to the Government counsel.

(c) *Organization of appeal file.* Documents in the appeal file prepared by the contracting officer or supplemented by the appellant may be originals or legible copies thereof, and shall be appropriately numbered, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky or lengthy documents in the appeal file when a party, by motion, seasonably made, has shown that doing so would impose an undue burden. In such event, at the time a party files such a document with the Board, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the contracting officer.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as before the Board as though they had been received in evidence at a formal hearing, unless a party files a written objection to the consideration of a particular document in advance of settling the record in the event there is no hearing on the appeal, or a written or oral objection before the end of a hearing held on the appeal. If objection to a document is made, the Board will treat the document as having been offered in evidence and rule on its admissibility in accordance with § 1241.122.

§ 1241.109 Pleadings.

(a) *Complaint.* Within 30 calendar day after receipt of the Board's notice that his appeal has been docketed, the appellant shall file with the Board an original and two copies of a complaint. The complaint will set forth simple, concise and direct statements for each of his claims, the basis for each claim, the contract provisions under which claim is made and, if known, the dollar amount claimed. The appellant may designate his original claim letter, any statement in support of his appeal filed therewith, or any other document in the appeal file before the Board, as his complaint, providing such document or documents otherwise fulfill the requirements of § 1241.109. Should the appellant fail within 30 calendar days to file or to designate a complaint, the Board may, if it considers that the issues are sufficiently defined thereby, designate a document or documents in the appeal file as the appellant's complaint and notify the appellant and the Government to that effect.

(b) *Answer.* Within 30 calendar days of receipt of the appellant's complaint, or of a document designated as a complaint, the Government shall file with the Board an original and two copies of an answer setting forth simple, concise

and direct statements of defense to each claim or counterclaim. Should the Government fail to answer within 30 calendar days, the Board may, in its discretion, enter a general denial on behalf of the Government notifying the appellant to that effect.

(c) *Reply.* The contractor may file a reply within 15 calendar days after receipt of the answer of counsel for the Government.

§ 1241.110 Motions.

(a) The Board may consider any timely motion:

(1) To dismiss an appeal for want of jurisdiction;

(2) To dismiss for failure to prosecute an appeal;;

(3) To make a pleading more definite and certain;

(4) For discovery, interrogatories to a party, or for the taking of depositions as provided in § 1241.116;

(5) To reconsider a decision or to reopen a hearing;

(6) To dismiss an appeal where the pleadings fail to state a case on which the Board may grant relief; and

(7) For any other appropriate order or relief

(b) Response by the opposite party to a motion may be made within 30 calendar days of his receipt of a copy thereof, unless the Board otherwise directs. The Board may permit oral hearing or argument as well as briefs in support of any motion.

§ 1241.111 Service and filing of pleadings and other papers.

All pleadings and other papers required to be served upon a party shall be filed with the Board either before service or within a reasonable time thereafter. Pleadings and other papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. The party filing any paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting same, that a copy has been so furnished.

§ 1241.112 Prehearing conference.

(a) *When permitted.* On its own motion or upon application of either party, the Board may call upon the parties to appear before it to consider:

(1) Simplification or clarification of the issues;

(2) Stipulations, admissions, agreements on documents, or other understandings which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses and of other cumulative evidence;

(4) Settlement of all or part of the issues in dispute; and

(5) Such other matters as may aid in the disposition of the appeal.

(b) *Conference record.* The results of the conference shall be reduced to writing by the Board member within 5 calendar days after the close of the conference. Copies shall be duly served on the parties who may, within 10 calendar days from receipt of the written record, file objection, comment, request for correction or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction or other motion made by the parties shall become a part of the Board record.

(c) *Admissions, agreements and orders.* Admissions, agreements and orders of the Board (if any), as set forth in the record of the prehearing conference, shall control the subsequent course of the proceedings and the conduct of the hearing: *Provided, however,* That subsequent modification may be permitted pursuant to agreement between the parties or to prevent manifest injustice.

§ 1241.113 Election as to hearings.

(a) No earlier than 30 calendar days after the parties receive notice that the Government's answer has been filed or after the entrance of a general denial by the Board on behalf of the Government, and the time within which appellant may file a reply has expired, the Board will ascertain from the parties their desires for an oral hearing. If an oral hearing is desired, the Board will schedule it as provided in paragraph (b) of this section, and §§ 12241.120 and 1241.121. If both parties waive an oral hearing, the Board will decide the appeal on the record before it, supplemented as it may permit or direct.

(b) Should an appeal involve $5,000 in amount or less, it may, at the option of either party, be processed under this paragraph (b) and in the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive a hearing and submit the appeal on the record. In all other respects, these rules shall apply.

§ 1241.114 Prehearing briefs.

The Board may order the filing of briefs prior to oral hearing of an appeal or either party may file such brief without order of the Board.

§ 1241.115 Discovery.

(a) *Methods.* The parties are encouraged to engage in discovery procedures. Any party may obtain discovery in conformity with these rules by one or more of the following methods:

(1) Depositions upon oral examination or written questions;

(2) Written interrogatories to the parties;

(3) Production of documents or things, or permission to enter upon land or other property for inspection or for other purposes; and

(4) Requests for admissions.

(b) *Scope.* Generally, subject to the specific provisions of the rules set forth in this § 1241.115, parties may obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending appeal, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature custody, contents, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Protective orders.* Upon the motion of any party or of the person from whom discovery is sought, who files specific objections, and for good cause shown, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(d) *Experts.* (1) By means of written interrogatories, a party may require the other party:

(i) To identify each person the other party expects to call as an expert witness, and

(ii) To state the subject matter on which the expert is expected to testify.

(2) The Board, on its own motion, or on that of a party, may require the submission or exchange in advance of the hearing of any reports or other documents prepared by, for, or with the assistance of the expert which a party intends to offer or use at the hearing.

§ 1241.116 Depositions.

(a) *When permitted.* Upon the application of a party showing good cause, the Board shall issue an order authorizing the party to take the testimony of any person, including a party, by deposition upon oral examination or written questions before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery, or for both purposes. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence, or both.

(b) *Orders on depositions.* The time, place, and manner of taking depositions shall be governed by order of the Board.

(c) *Use as evidence.* Testimony taken by deposition shall not be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. Generally, it will not be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of an adverse witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(d) *Transcripts.* The party taking a deposition shall provide a copy of the transcript to the Board at no expense within 30 calendar days after it is available. The other party is entitled to receive a copy or copies of the transcript of the deposition upon paying the established rate for copies to the person taking the deposition.

§ 1241.117 Interrogatories to the parties.

(a) *Availability.* Any party may serve upon any other party written interrogatories to be answered by the party served, or if the party served is the Government, or a public or private corporation, partnership or association, by an officer or agent of such party, who shall also furnish all information as is available to the party so served. Generally, interrogatories may not be served until after the answer has been filed. However, upon application of the appellant showing good cause, the Board may, in its discretion, permit the appellant to file a brief complaint together with a request for answers to written interrogatories and a request to amend its complaint within 30 calendar days after receipt of the answers to those interrogatories. Such procedure should be followed only when the appellant is not able to adequately comply with the rules of this Board concerning the requirements for a complaint without benefit of the discovery.

(b) *Objections.* Within 30 calendar days after the service of written interrogatories, the parties served may file objections to the interrogatories and request a protective order on the grounds that some or all of them call for privileged information or are plainly irrelevant or are otherwise improper in whole or in part, or that the requirement of a response would in any instance result, in annoyance, embarrassment, oppression or undue burden or expense. Within 20 calendar days after the service of objections, the party serving the interrogatories may file a pleading responding to the objections. The Board shall order the objecting party to respond to the written interrogatories unless the latter shall show good cause for the issuance of a protective order. In any instance in which the Board considers that the appropriate ground for an objection was not reasonably discoverable within 30 calendar days of the service of the interrogatories, the Board may entertain objections and a responsive pleading at a later date.

(c) *Form of interrogatories and responses.* The interrogatories shall be addressed to the person or the official or agent of the Government, corporation, partnership or association who is a responsible and authorized representative of the party. The interrogatories may be served upon the attorney representing a party. Each interrogatory shall be answered separately and fully in writing under oath by the party addressed, or, if the party addressed is the Government or a public or private corporation, partnership or association, by an officer or agent authorized to represent the party. Responses to the interrogatories must be filed with the Board and a copy served on the other party within 30 calendar days after service of the interrogatories to which objection has been made as provided in § 1241.116(b), and, in the case of interrogatories to which objection has been made, within 30 calendar days after receipt of an order from the Board directing a response to certain interrogatories. The answers are to be signed by the person making them.

(d) *Use as evidence.* Answers to interrogatories may be used to the extent permitted by the rules of evidence.

§ 1241.118 Production of documents and things and entry upon land for inspection and other purposes.

(a) *Availability.* Upon the application of a party showing good cause, the Board shall order a party to produce and permit inspection and copying of designated documents or things constituting discoverable matter as defined in § 1241.115 or may order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying or photographing, testing or sampling, the property or any designated object or operation thereon, within the scope of § 1241.115.

(b) *Motions.* (1) The motion for production shall state:

(i) The documents or things desired with reasonable particularity;

(ii) How or in what respect they are discoverable, and

(iii) That such documents (or copies thereof) or things are not in the possession of the moving party.

(2) Documents shall be deemed to be defined with reasonable particularity to the extent that each document or thing is so identified that it may reasonably be located and procured.

(c) *Orders.* The Board shall generally grant production and inspection unless there is good cause for a protective order and shall specify the time, place and manner of making the inspection, copies or photographs if the parties are unable to agree thereon.

(d) *Use as evidence.* Documents or information procured as a result of inspection may be used at the hearing to the extent permitted by the rules of evidence.

§ 1241.119 Requests for admission.

(a) *Request.* Any party may apply to the Board for an order directing the other party to respond to a request for admission who has failed to do so, for purposes of the pending appeal only, of the genuineness of any relevant document described in and exhibited with the request, or of the truth of any relevant matters of fact set forth in the request. The other party, within 30 calendar days, must respond consenting to the admissions or objecting with specific grounds. The factual proposition set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission. The Board will rule upon the objections and make an order pertaining thereto.

(b) *Content.* A request for admission should contain a statement of the material matters of fact as to which it is believed there is no substantial controversy between the parties followed by a request that the party served admit the truth of such matters of fact. Each matter of which an admission is requested shall be separately set forth.

(c) *Use in the appeal.* Any proposition of fact expressly admitted or deemed admitted shall be conclusively established for the purpose of the pending appeal. However, the Board on motion may permit withdrawal of an admission if the Board finds that the party seeking withdrawal acted with due diligence or that the other party will not be prejudiced thereby. Any admission made by a party under this rule is for the purpose of the pending appeal or from an appeal from the Board's decision upon the pending appeal, and is not an admission by him for any other purpose, nor may it be used against him in any other proceeding.

§ 1241.120 Hearings, notice, where and when held.

Hearings will be scheduled on not less than 15-calendar-day notice by the Board, giving due consideration to the regular order of appeals, the desires of the parties, and the requirement for just and inexpensive determination of appeals without unnecessary delay. Hearings will ordinarily be held in Washington, D.C., at a location designated by the Board for the hearing except that the Board may set a hearing at another location for the convenience of the parties.

§ 1241.121 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing may proceed and the case will be regarded as submitted by the absent party on the record.

§ 1241.122 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate in the circumstances. Hearings shall be conducted before such member or members of the Board as designated by the Chairman. The presiding member shall regulate the course of the hearing and the conduct of the parties in order to insure a fair and orderly proceeding. The parties may offer at the hearing such relevant evidence as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will be determined by relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence may be admitted in the sound discretion of the presiding member.

§ 1241.123 Examination of witnesses.

Witnesses before the Board normally will be examined orally under oath or affirmation. If the testimony of a witness is not given under oath the Board, if appropriate, shall warn the witness that his statements may be subject to the

provisions of 18 U.S.C. 287 and 1001, and to any other provisions of law imposing penalties for knowingly making false statements in connection with claims against the United States.

§ 1241.124 Copies of paper.

True copies may be substituted for books, records, papers, or documents, the originals of which have been received in evidence during a hearing. Physical exhibits may be withdrawn before or after decision upon the substitution therefor of pictures of the same and agreement to preserve the originals intact pending further proceedings or on such other terms as the Board may set.

§ 1241.125 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as are agreed upon at the conclusion of a hearing or as directed by the presiding member.

§ 1241.126 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment therefor to the Government.

§ 1241.127 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 1241.108 and, to the extent the following items exist in a case, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions, interrogatories (subject to the provisions of § 1241.115(c)) answers to interrogatories, requests for admissions, admissions, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and any other document which the Board has specifically designated be made a part of the record. The record will be available at all reasonable times for inspection by the parties at the office of the Board in Washington, D.C.

(b) Except as otherwise ordered, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

§ 1241.128 Settlement of dispute.

The parties may settle a dispute at any time before decision by filing a written notice by the appellant withdrawing its appeal or by written stipulation of settlement between the parties. The Board may then issue an order dismissing the appeal with prejudice.

§ 1241.129 Decisions and records.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board, all final orders and decisions, and other records of, or before the Board shall be available for inspection at its offices to the extent permitted by, and subject to the exemptions of 5 U.S.C. 552.

§ 1241.130 Motions for reconsideration.

Either party may move for reconsideration of the Board's decision within 30 calendar days of its receipt of an authenticated copy thereof, stating specifically the grounds relied upon for reconsideration, together with briefs, if desired, in support thereof. The other party may have 20 calendar days in which to respond to the motion and to present written arguments in support of its position.

§ 1241.131 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, to respond to notices or correspondence from the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show cause, the Board may take such action as it deems reasonable and proper under the circumstances.

§ 1241.132 Dismissal without prejudice.

When the Board is unable to proceed with the processing of an appeal for reasons beyond its control, and it appears that this inability will continue for an inordinate length of time, the Board may, in its discretion, dismiss such appeal from its docket without prejudice to its restoration thereto when the cause of suspension has been removed. By agreement of the parties, the Board may dismiss an appeal without prejudice.

§ 1241.133 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any substantive matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications authorized by law or concerning the Board's administrative functions or procedures.

§ 1241.134 Remands from courts.

Whenever any matter is remanded to the Board from any Court for further proceedings, the parties shall, within 20 calendar days of such remand, submit a report to the Board indicating what procedures they think necessary to comply with the Court's order. The Board will enter special orders governing the handling of matters remanded to it for further proceedings by any Court. To the extent the Court's directive and time limitations will permit, those orders will conform to these rules.

§ 1241.135 Mediation.

(a) At any time prior to the scheduling of the hearings and upon the joint application of the parties for assistance in possible settlement of the claim, the Board shall designate one of its members to serve as a mediator. In that capacity, the designated Board member shall convene an informal conference or series of conferences to explore settlement to the fullest extent possible. At any such conference the parties may present their facts and arguments by any suitable method, including, but not limited to, offers of proof by counsel, affidavits, or narrative statements by prospective witnesses, documentary evidence, argument, and briefs or memoranda on the facts or law, or both, all to be presented without regard to the normal rules of evidence followed by the Board.

(b) It is the purpose and intent of this rule, § 1241.135, to permit and to encourage full and frank development and disclosure of each party's position and active participation by the mediator in developing and discussing with the parties the merits of their respective positions. The role of the mediator in the process will be to assist the parties to evaluate settlement possibilities realistically and to try impartially to arrive at a negotiated settlement, if possible.

(c) No portion or aspect of any conference, documentary or oral, shall be recorded or otherwise made a part of the record of the Board. If the mediation services do not result in a settlement, and the appeal is thereafter prosecuted, the Board member who conducted the mediation shall not take part, directly or indirectly, in any further proceedings in connection with the appeal, and the parties shall thereafter prosecute the appeal de novo before another Board member or members.

Effective date. The provisions of this Subpart 1241.1 are effective November 15, 1971.

ERNEST W. BRACKETT,
Chairman,
Board of Contract Appeals.

[FR Doc.71-13320 Filed 9-9-71;8:50 am]

Notices

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

SEPTEMBER 7, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 11592 Sub 9, Best Refrigerated Express, Inc., now being assigned September 27, 1971, at Omaha, Nebr., in Room 2404, Federal Building, 106 South 15th Street, Omaha, NE.

MC 115826 Sub 215, W. J. Digby, Inc., now assigned September 27, 1971, at Atlanta, Ga., is postponed indefinitely.

MC 109637 Sub 377, Southern Tank Lines, Inc., MC 112617 Sub 290, Liquid Transporters, Inc., and MC 114091 Sub 85, Huff Transport Co., Inc., assigned September 27, 1971, in Room 829, Federal Plaza, 600 Federal Place, Louisville, KY.

MC 119777 Sub 207, Ligon Specialized Haulers, Inc., assigned September 21, 1971, in Room 545, Post Office Building, 601 West Broadway, Louisville, KY.

MC 115092 Sub 14, Weiss Trucking, Inc., now assigned September 30, 1971, at Salt Lake City, Utah, is postponed indefinitely.

MC 107295 Sub 412, Pre-Fab Transit Co., now assigned September 23, 1971, at Louisville, Ky., hearing canceled and application dismissed.

MC 95540 Sub 792, Watkins Motor Lines, Inc., now assigned September 16, 1971, at Miami Beach, Fla., is canceled and application dismissed.

MC 73165 Sub 294, Eagle Motor Lines, Inc., assigned October 12, 1971, in Room 183, Federal Building, 600 Federal Place, Louisville, KY.

MC 4405 Sub 482, Dealers Transit, Inc., assigned October 20, 1971, in Room 914 Federal Office Building, 167 North Main Street, Memphis, TN.

MC 107295 Sub 394, Pre-Fab Transit Co., assigned October 14, 1971, in Room 914, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 113267 Sub 250, Central & Southern Truck Lines, Inc., assigned October 12, 1971, in Room 914, Federal Office Building, 167 North Main Street, Memphis, TN.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13324 Filed 9-9-71;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 7, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42273—*Sodium bichromate from Castle Hayne, N.C.* Filed by M.B. Hart, Jr., agent (No. A6279), for interested rail carriers. Rates on sodium bichromate, in carloads and tank carloads, as described in the application, from Castle Hayne, N.C., to East St. Louis, Ill., and Milwaukee, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 147 to Southern Freight Association, agent, tariff ICC S-800. Rates are published to become effective on October 7, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13323 Filed 9-9-71;8:51 am]

[Notice 747]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered purusant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73093. By order of August 31, 1971, the Motor Carrier Board approved the transfer to George Transit Line, Des Moines, Iowa, of the operating rights in certificates Nos. MC-10672, MC-10672 (Sub-No. 7), and MC-10672 (Sub-No. 9) issued June 9, 1961, January 21, 1966, and May 15, 1965, respectively to Bahr Grain Co., a corporation, Barneston, Nebr., authorizing the transportation of various commodities from, to, and between specified points and areas in Nebraska, Kansas, Iowa, Indiana, Minnesota, North Dakota, South Dakota, Wisconsin, Illinois, and Missouri. Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501, attorney for applicants.

No. MC-FC-73096. By order of August 31, 1971, the Motor Carrier Board approved the transfer to Capital Van & Storage Co., Inc., Cleveland, Ohio, of the operating rights in certificate No. MC-2636 issued November 23, 1942, to S. G. Richards & Sons, Inc., Cleveland, Ohio, authorizing the transportation of household goods, as defined by the Commission, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Virginia. Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-13325 Filed 9-9-71;8:51 am]

[Notice 71]

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

SEPTEMBER 3, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally.

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

Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 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 381 (Sub-No. 2), filed August 9, 1971. Applicant: JOSEPH S. GENOVA, doing business as GENOVA EXPRESS LINES, 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 *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of A. L. Hyde Co., at Grenloch, N.J., to the plantsite of Penquin Industries, Inc., at Parkersburg, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 3256 (Sub-No. 2), filed August 9, 1971. Applicant: BURKHAM BROTHERS, INC., 385 Route 22, Hillside, 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: *Paper, paper products, and products used in the manufacture of paper* (except liquid commodities, in bulk, and commodities which, because of size or weight, require the use of special equipment), between Hillside, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission, points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., points in New Jersey, Philadelphia, Pa., and Fairfield County, Conn., under contract with Riegel Paper Corp., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 7228 (Sub-No. 39), filed August 2, 1971. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, OR 97214. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Frozen foods*, from points in Umatilla County, Oreg., and Grant, Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon and Washington. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 8973 (Sub-No. 21), filed August 6, 1971. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those contaminating to other lading, between points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states that requested authority will be joined with its presently held authority at any point in the New York, N.Y., commercial zone. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 10761 (Sub-No. 258), 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: *Foodstuffs, candy, cough drops and chewing gum*, from the plantsite and storage facilities of Beech-Nut, Inc., at or near Canajoharie, N.Y., to points in Ohio, Michigan, Kentucky, Indiana, Illinois, and Wisconsin. NOTE: Applicant states tacking exists with its present authority but it does not intend to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Albany, N.Y.

No. MC 10955 (Sub-No. 13), filed July 22, 1971. Applicant: RENNER MOTOR LINES, INC., Post Office Box 3185, Akron, OH 44314. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam padding and upholstering*, from Doylestown, Pa., to Richmond, Ind. 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 Columbus, Ohio, or Philadelphia, Pa.

No. MC 15728 (Sub-No. 10), filed July 12, 1971. Applicant: AUTO PRODUCTS TRANSPORT, INC., 14840 Puritan Avenue, Detroit, MI 48227. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, corrugated; fillers and partitions, corrugated; fiberboard, paper, paperboard or pulpboard, corrugated* from the plantsite of Westvaco Corp., H&B Container Division, at Detroit, Mich., to points in Indiana, Ohio, and Parkersburg, W. Va., with *return materials, equipment, and supplies* used in the manufacture of the above-described commodities, under contract with H&B Container Division of West Virginia Pulp and Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 16672 (Sub-No. 16), filed August 9, 1971. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pallets and skids;* (1) From Drakes Branch, Va., to Chicago, Ill., and points in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia, the District of Columbia, and North Carolina; and (2) from points in Amelia County, Va., to points in North Carolina, Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks to convert its contract carrier authority under MC 119182 Subs 1, 2, and 5 for the same authority applied for herein to that of common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 19227 (Sub-No. 156) (Correction), filed June 23, 1971, published in the FEDERAL REGISTER of August 5, 1971, and republished as corrected this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Commodities* which because of size or weight require the use of special equipment, between points in Texas, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted against the transportation of oil field equipment and boats. The purpose of this application is to seek authority to substitute Texas for Florida as the gateway on traffic moving between Texas and points north and west thereof, on the one hand, and, on the other, the above-designated States. Applicant presently holds authority between points in the State of Texas and points in the State of Florida, and between points in the State of Florida, on the one hand, and, points in each of the above-mentioned States on the other, under Docket No. MC 19227 (Sub-Nos. 43 and 32), respectively. NOTE: Applicant intends to tack through Texas, its operations to and from the States of California, Arizona, New Mexico, and Oklahoma. The purpose of this republication is to include the State of Georgia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 85), filed July 20, 1971. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, GA 30030. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, including *meat, meat products, and bakery goods* (except in bulk), from points in North Carolina and South Carolina to points in Kentucky, Tennessee, Ohio, Indiana, Illinois, the Lower Peninsula of Michigan, Iowa, Mississippi, Missouri, Wisconsin, Texas, Oklahoma, Arkansas, Alabama, Louisiana, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 21866 (Sub-No. 70), filed July 19, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. 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: *Materials and equipment* used in the manufacture of automotive parts, from points in Illinois, Indiana, and Michigan to the facilities of Neapco Products, Inc., in Pottstown, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 25869 (Sub-No. 109), filed July 12, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Chicago and Northbrook, Ill., to points in Iowa, Minnesota, Kansas, Nebraska, Wyoming, Colorado, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 26377 (Sub-No. 16), filed August 6, 1971. Applicant: LEONARDO TRUCK LINES, INC., 511 South First Street, Selah, WA 98942. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., and Seattle, Wash., to ports of entry on the international boundary line between the United States and Canada in Washington, and 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 Seattle, Wash.

No. MC 26739 (Sub-No. 68), filed July 26, 1971. Applicant: CROUCH BROS., INC., Post Office Box 1059, St. Joseph, MO 64502. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (A) *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); (1) between St. Joseph, Mo., and Wichita, Kans., serving the intermediate point of Topeka, Kans., the off-route point of Emporia, Kans., and serving junction U.S. Highway 59 and Kansas Highway 116 for purposes of joinder only; from St. Joseph, Mo., over U.S. Highway 59 to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka, Kans., thence over the Kansas Turnpike to junction U.S. Highway 50, thence over U.S. Highway 50 to Newton, Kans., and thence over U.S. Highway 81 to Wichita, and return over the same route; (2) between junction U.S. Highway 59 and Kansas Highway 116, and Salina, Kans., serving the intermediate points of Fort Riley, Manhattan, and Junction City, Kans., the off-route point of Enterprise, Kans., and serving St. Mary's, Kans., and junction U.S. Highway 59 and Kansas Highway 116 for purposes of joinder only; from junction U.S. Highway 59 and Kansas Highway 116 over Kansas Highway 116 to junction Kansas Highway 16, thence over Kansas Highway 16 to junction Kansas Highway 63, thence over Kansas Highway 63 to St. Mary's, Kans., thence over Kansas Highway 18 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Salina, and return over the same route;

(3) between Topeka, Kans., and Junction City, Kans., serving no intermediate points; from Topeka over U.S. Highway 40 to Junction City, and return over the same route; (4) between Topeka, Kans., and St. Mary's, Kans., serving no intermediate points, and serving St. Mary's for purposes of joinder only; from Topeka over U.S. Highway 24 to St. Mary's, and return over the same route. Restriction: The authority herein shall be restricted against the handling of traffic between St. Joseph and Kansas City, Mo., and points authorized herein; that the authority under (A) is limited to the transportation of shipments moving from, to, or through St. Joseph, Mo., and that the regular-route operations described in (A) shall not be severable by sale or otherwise, from the irregular-route authority described in (B). Irregular routes: (B) *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 St. Joseph, Mo., and points in Iowa, Missouri and Kansas. Restriction: The authority herein shall be restricted against the handling of traffic between St. Joseph and Kansas City, Mo., and points authorized herein, and the authorities in parts (A) and (B) hereof shall not be tacked together.

Regular routes: (C) *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 St. Joseph, Mo., and its commercial zone, and Minneapolis-St. Paul, Minn. commercial zone, serving no intermediate points; from St. Joseph, Mo., over U.S. Highway 71 to Auburn, Iowa, thence east over Iowa State Highway 175 to its intersection with Iowa State Highway 4, thence north over Iowa State Highway 4, via Esterville, Iowa, to the Iowa-Minnesota State line, thence north over Minnesota State Highway 4 to St. James, Minn., thence northeast over Minnesota State Highway 30-60 to Mankato, Minn., thence over U.S. Highway 169 to Minneapolis-St. Paul, Minn., and return over the same route. NOTE: Applicant states that it presently holds authority between the same points through Maryville, Mo., a point approximately 44 miles north of St. Joseph, Mo., and that sections (A) and (B) seek to remove the gateway from Maryville, Mo., to St. Joseph, Mo. Section (C) seeks the conversion of irregular route to regular route service over same gateway of Esterville, Iowa. Applicant further states it intends to tack the requested irregular route authority at St. Joseph, Mo., and serve points in Iowa, Missouri, Kan-

sas, Illinois, and points beyond. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29668 (Sub-No. 9), filed July 26, 1971. Applicant: M. DELOGHIA TRUCKING, INC., 305 Suffield Street, Agawam, MA 01001. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment, machinery, and materials*, between points in Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and Maryland. NOTE: Applicant states it holds authority to transport road building equipment between points in Massachusetts, New Hampshire, Connecticut, Rhode Island, and New York which would be surrendered upon the grant of the authority sought. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., or Boston, Mass.

No. MC 30844 (Sub-No. 365), filed July 19, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (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, New York, Pennsylvania, Connecticut, West Virginia, and Minnesota, and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, 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, Indiana, Kansas, Missouri, Minnesota, South Dakota, 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 Washington, D.C., or Chicago, Ill.

No. MC 35320 (Sub-No. 127), filed July 29, 1971. Applicant: T.I.M.E.-DC, Inc., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representatives: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408, and Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except sand, gravel, coal, livestock, and those requiring special equipment) 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 378 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, points named herein. NOTE: Applicant states the physical operation would connect at Atlanta, Ga., and Atlanta, Ga., commercial zone, and applicant proposes to perform a through service between the areas sought to be served and the authority held by it in MC 35320 and subs thereof. Common control may be involved. If a hearing is deemed necesary, applicant requests it be held at Atlanta, Ga.

No. MC 32530 (Sub-No. 2) (Correction), filed July 2, 1971, published in the FEDERAL REGISTER, issue of August 5, 1971, and republished, in part, as corrected, this issue. Applicant: FRED VANGENHEN, JR., doing business as VANGENHEN AND SON, 1708 South Illinois Street, Belleville, IL 62221. Applicant's representatives: Fred Vangenhen, Jr. (same address as applicant) and Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. The purpose of this partial republication is to show the correct name of applicant as: Fred Vangenhen, Jr., doing business as Vangenhen and Son. The rest of the application remains as previously published.

No. MC 41404 (Sub-No. 101), filed August 4, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from Mattoon, Ill., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, and Wisconsin. Restriction: Restricted to traffic originating at Mattoon, Ill., and destined to points in the States named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., and Washington, D.C.

No. MC 41432 (Sub-No. 116), filed July 29, 1971. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., Post Office Box 10125, Dallas, TX 75207. Applicant's representatives: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301, and Rollo Kidwell (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 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: 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 Atlanta, Ga.

No. MC 41432 (Sub-No. 117), filed July 27, 1971. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: Rollo E. Kidwell (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, household goods as defined by the

Commission, commodities in bulk, and those requiring special equipment), serving Norcross, Ga., as an off-route point in connection with carrier's authorized regular-route operations from and to Atlanta, Ga. Restriction: The operations authorized herein are restricted against the transportation of traffic, direct or interline, between Atlanta, Ga., on the one hand, and points within 15 miles thereof, on the other. NOTE: The above commodity description is the same as that contained in applicant's MC-41432 (Sub-95) certificate that authorizes applicant to serve Atlanta, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 43421 (Sub-No. 44), filed August 5, 1971. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 Ninth Street, Rock Island, IL 61201. 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 regular routes, transporting: *General commodities*, between Dubuque, Iowa, and Bettendorf, Iowa, as an alternate route for operating convenience only, serving points in the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone for purposes of joinder only, from Dubuque over U.S. Highway 61 to Bettendorf and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 43734 (Sub-No. 5), filed August 2, 1971. Applicant: ARTUS TRUCKING COMPANY, INC., 4702 Second Avenue, Brooklyn, NY. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper bags*, between Kearny, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, within 250 miles of New York, N.Y., restricted to traffic having a prior or subsequent movement by rail or truck, under contract with Westvaco Corp.; Knickerbocker Paper Co., Inc.; Emblum Paper Corp.; Cross Siclare/New York, Inc.; North West Paper Co.; Corinsea, Inc., and Coveinsa, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 44053 (Sub-No. 6), filed July 23, 1971. Applicant: TOWNE SERVICES HOUSEHOLD GOODS TRANSPORTATION CO., INC., Post Office Box 6527, San Antonio, TX 78209. 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: *New furniture*, between points in the United States (including Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 47848 (Sub-No. 3) filed August 2, 1971. Applicant: HUDSON TRUCKING CO., INC., Post Office Box 222, Kendallville, IN 46755. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *contract 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 the Lower Peninsula of Michigan, Ohio, Indiana (south of U.S. Highway 40), Kentucky, West Virginia, points in New York, Pennsylvania, and Maryland on and west of Interstate Highway 81, and Allentown, Pa., under contract with Kraft Foods Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 48958 (Sub-No. 111), filed July 22, 1971. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Applicant's representative: Morris G. Cobb, Post Office Box 9050, 610 Ross Street, Amarillo, TX 79105. 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, commodities in bulk, and those requiring special equipment), serving the minesite and facilities of Earth Resources Co. located approximately 5 miles southeast of Cuba, N. Mex., as off-route points in connection with applicant's presently authorized regular route operations in its Certificate No. MC 48958 and subs thereunder, including its Sub 55. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Santa Fe, N. Mex.

No. MC 48958 (Sub-No. 112), filed July 29, 1971. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Applicant's representative: Morris G. Cobb, Post Office Box 9050 (601 Ross Street), Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Fort Worth, Tex., and El Paso, Tex., from Fort Worth over Interstate Highway 20 (U.S. Highway 80) to its junction with U.S. Highway 87 at or near Big Spring, Tex., thence over U.S. Highway 87 to its junction with U.S. Highway 180 at or near Lamesa, Tex., thence over U.S. Highway 180 to El Paso, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Fort Worth and El Paso, Tex., from Fort Worth over Interstate Highway 20 (U.S. Highway 80), to its junction with U.S. Highway 84 at or near Roscoe, Tex., thence over U.S. Highway 84 to its junction with U.S. Highway 380 at or near Post, Tex., thence over U.S. Highway 380 to its junction with U.S. Highway 70 at or near Hondo, N. Mex., thence over U.S. Highway 70 to its junction with U.S. Highway 54 at or near Tularosa, N. Mex., thence over U.S. Highway 54 to El Paso, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) between Fort Worth, and El Paso, Tex., from Fort Worth over Texas Highway 199 to its junction with U.S. Highway 82, thence over U.S. Highway 82 to its junction with U.S. Highway 62, thence over U.S. Highway 62 to El Paso, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or El Paso, Tex.

No. MC 50069 (Sub-No. 446), filed July 22, 1971. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from St. Clair, Mich., to points in Indiana and Ohio. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicative authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51143 (Sub-No. 5), filed August 6, 1971. Applicant: B. & B. TRANSPORTATION, INC., 37 Ryder Avenue, Cranston, RI 02920. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages*, in tapper kegs, in controllable refrigerated vehicles, from Cranston, R.I., to points in New York, and (b) *Kegs*, tapper, empty, returned, from points in New York, to Cranston, R.I. 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 Providence, R.I., or Boston, Mass.

No. MC 55581 (Sub-No. 22), filed August 2, 1971. Applicant: UTAH PACIFIC TRANSPORT COMPANY, 1819 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* (1) from points in Washington and Idaho to points in Utah; (2) from points in Idaho, Montana, and Washington to points in Colorado; (3) from points in Idaho and Montana to points in Oregon. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention

to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Salt Lake City, Utah.

No. MC 55883 (Sub-No. 17), filed August 5, 1971. Applicant: EXPRESS INCORPORATED, Post Office Box 15, Stephenson, VA 22656. Applicant's representative: Bill R. Davis, Suite 1208, Atlanta Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Egg containers*, from Atlanta, Ga., and Natchez, Miss., to points in 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 Atlanta, Ga.

No. MC 59120 (Sub-No. 35), filed June 24, 1971. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, PA 15219. 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: *Carbon*, in containers, serving the plantsite of the Calgon Corp. at or near Catlettsburg, Ky., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 59437 (Sub-No. 2), filed August 2, 1971. Applicant: RONALD DALE SMITH, doing business as APPLETON CITY TRUCK LINE, 105 East Fourth Street, Appleton City, MO 64724. Applicant's representative: John E. Burruss, Jr., Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Kansas City, Mo., and its commercial zone, south of U.S. Highway 71 to its intersection with Missouri State Highway 52; thence, west on Missouri State Highway 52 to its intersection with Bates County, Mo., Route Y; thence north on said Route Y to its intersection with Bates County, Mo., Route J (which intersection is approximately 1 mile south of Amsterdam, Mo.), thence, west on said County Route J: (1) Approximately 1½ miles to the generating plant of Kansas City Power & Light Co., and (2) approximately 1 mile to its intersection with an unmarked county road; thence, south over said unmarked county road approximately 1½ miles to the offices of the Pittsburg and Midway Coal Mining Co., with return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Kansas City, and St. Louis, Mo.

No. MC 59680 (Sub-No. 192), filed July 19, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Mail: Post Office Box 5689, Dallas TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Playground apparatus, recreational equipment, and pipe or tubing*, (B) *materials, equipment, and supplies* used in the manufacture, production, and shipping of articles listed in (A), between Bossier City, La., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, Tennessee, and the District of Columbia. NOTE: Applicant states it intends to tack with its existing authority at Bossier City, La. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Dallas, Tex.

No. MC 60012 (Sub-No. 87), filed July 9, 1971. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, CO 80221. Applicant's representative: Warren D. Braucher, 450 Lincoln Street, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Huntington and Fairview, Utah, serving all intermediate points and the off-route points of the Utah Power & Light Co. steam electric generating plantsite and damsite: From Huntington over Utah Highway 31 to Fairview, Utah, and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 60437 (Sub-No. 6), filed July 15, 1971. Applicant: EDGAR J. MASON, doing business as MASON'S TRANSFER, Post Office Box 126, Inwood, WV 25438. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Suite 501, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and supplies* used in the foodstuff business, between Biglerville and Gardners, Pa., and Inwood, W. Va., on the one hand, and, on the other, points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61048 (Sub-No. 12), filed July 8, 1971. Applicant: LEONARD EXPRESS, INC., Coulter Avenue, South Greensburg, PA 15601. Applicant's representative: Thomas L. McClelland, Jr., Post Office Box 610, Greensburg, PA 15601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and those commodities* normally used in the manufacture of paper and paper products, between Chillicothe, Hamilton, and Piqua, Ohio, on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Washington, D.C., or (2) Pittsburgh, Pa.

No. MC 61592 (Sub-No. 220) (Correction), filed July 6, 1971, published in the FEDERAL REGISTER, issue of August 12, 1971, and republished, in part, as corrected, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Street, Memphis, TN. The purpose of this partial republication is to show the correct Docket number as MC 61592 Sub-No. 220, in lieu of MC 61592 Sub.-No. 20, as was erroneously published in the previous publication. The rest of the application remains as published.

No. MC 63417 (Sub-No. 39), filed August 6, 1971. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass reinforced plastic plumbing fixtures*, between Union Point, Ga., on the one hand, and, on the other, points in Florida, Alabama, North Carolina, South Carolina, Virginia, Kentucky, 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 Washington, D.C., or Philadelphia, Pa.

No. MC 64112 (Sub-No. 50), filed July 30, 1971. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 26276, Charlotte, NC 28213. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Roanoke Rapids and Riegelwood, N.C., to points in Illinois, Indiana, Kentucky, Michigan, St. Louis, Mo., and points in the St. Louis, Mo., commercial zone, as defined by the Commission, Ohio and Wisconsin. NOTE: Applicant states that by combining the authority sought with

that presently held in MC 64112 and subs thereunder, operating via common points in Roanoke Rapids and Riegelwood, N.C., it may serve all origins in North Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 66121 (Sub-No. 23), filed August 6, 1971. Applicant: INDIAN BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, NY 11787. 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: *Fiberglass reinforced articles*, from Wyandanch, N.Y., to points in New Jersey, Pennsylvania, Alabama, New York, Ohio, Indiana, Michigan, Minnesota, Illinois, Connecticut, Massachusetts, California, Maryland, Virginia, Wisconsin, South Carolina, Florida, Mississippi, and the District of Columbia, and *returned shipments* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necesary, applicant requests it be held at New York, N.Y.

No. MC 67210 (Sub-No. 5), filed August 9, 1971. Applicant: GLENNON TRANSPORTS, INC., 1000 North 14th Street, St. Louis, MO 63106. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and printing supplies* (except in bulk, in tank vehicles), *paper, ink* (except in bulk, in tank vehicles), *wire banding materials, boxes, bags, glue* (except in bulk, in tank vehicles), *rollers, and plastic sheeting*, (1) between Sparta and Effingham, Ill., and (2) between St. Louis, Mo., Indianapolis, Ind., Chicago, Mattoon, Decatur, and Charleston, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.,

No. MC 69116 (Sub-No. 138) (Correction), filed July 21, 1971, published in the FEDERAL REGISTER, issue of September 2, 1971, under No. 96116 (Sub-No. 138), and republished in part as corrected this issue. 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. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned. The rest of the application remains as previously published.

No. MC 69116 (Sub-No. 139), filed July 12, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. 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: *Wallboard, building boards, or building insulation boards*, from Meridian, Miss., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, 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 Jackson, Miss., or New Orleans, La.

No. MC 74416 (Sub-No. 10), filed July 20, 1971. Applicant: LESTER M. PRANGE, INC., Post Office Box 1, Kirkwood, PA 17536. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, PA 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, animal and vegetable oils, shortenings, and greases*, in containers, from the plant site of Colfax Packing Co. and Liberty Shortening Corp. at Pawtucket, R.I., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 78687 (Sub-No. 32), filed July 21, 1971. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, NY. Applicant's representative: E. Stephen Heisley, 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: *Coal*, from points in Lycoming County, Pa., to points in New York. 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 Washington, D.C.

No. MC 82841 (Sub-No. 84), filed August 6, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of North Star Steel Co., near Newport, Minn., to Norfolk, Nebr. Restriction: Restricted to shipments destined to Norfolk, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 84098 (Sub-No. 2), filed July 14, 1971. Applicant: SHELDON TRANSFER AND STORAGE COMPANY, INC., 647 Main Street, Holyoke, MA 01040. Applicant's representative: Douglas L. Agan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Holyoke, Mass., on the one hand, and, on the other, points in Barnstable, Bristol, Dukes, Essex, Franklin, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Springfield, or Boston, Mass.

No. MC 88161 (Sub-No 83), filed July 13, 1971. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Stephen A. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, (a) from points in Spokane County, Wash., to points in Wallowa, Union, Baker, Umatilla, Morrow, Grant, Gilliam, Wheeler, Sherman, Wasco, Hood River, Jefferson, Deschutes, and Crook Counties, Oreg.; in that part of Idaho on and north of the southern boundary of Idaho County; in that part of Montana west of the eastern boundary of Phillips, Petroleum, Musselshell, Yellowstone, and Carbon Counties; (b) from points in Kootenai County, Idaho, to points in Washington; (c) from ports of entry on the United States-Canada boundary line located in Washington on and east of U.S. Highway 97, ports of entry located in Idaho, and ports of entry located in Montana on and west of U.S. Highway 91, to points in that part of Washington west of U.S. Highway 97. (Restriction: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic originating at Trail, Warfield, and Kimberly, British Columbia, Canada); (d) from points in Shoshone County Idaho, to points in that part of Washington east of the western boundary of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties; in that part of Montana west of the eastern boundary of Phillips, Petroleum, Yellowstone, Musselshell, and Carbon Counties; and points in Wallowa, Union, Baker, Umatilla, Morrow, Grant, Gilliam, Wheeler, Sherman, Wasco, Hood River, Jefferson, Deschutes, and Crook Counties, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, or Seattle, Wash.

No. MC 94876 (Sub-No. 9) (Correction), filed July 22, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished in part, as corrected this issue. Applicant: RICHARD ACERRA, INC., 4309 Vernon Boulevard, Long Island City, New York, NY 11101. Applicant's representative: J. Alden Connors, 145 East 49th Street, New York, NY 10017. NOTE: The purpose of this partial republication is to reflect the correct docket number as 94876 (Sub-No. 9),

in lieu of 94826 (Sub-No. 9), shown erroneously in previous publication. The rest of the application remains the same.

No. MC 95540 (Sub-No. 817), filed August 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (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 Florida and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Miami, Fla.

No. MC 95540 (Sub-No. 818), filed August 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Virginia, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Arkansas, restricted to traffic originating at Mattoon, Ill., and destined to points in the states named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 101474 (Sub-No. 18), filed August 5, 1971. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Asphalt-mix, storage tanks and asphalt-mix conveyers and parts* of such commodities, when moving therewith, (b) *antipollution systems* and parts thereof, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from points in the United States to Glasgow and Kansas City, Mo., and Leavenworth, Kans., restricted to traffic originating at or destined to the plantsites and warehouse facilities of Standard Havens Systems, Inc. NOTE: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 102567 (Sub-No. 145), filed July 26, 1971. Applicant: EARL GIBBON TRANSFER, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Shreveport, La., to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania. 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 Columbus, Ohio.

No. MC 102616 (Sub-No. 862), filed July 19, 1971. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporing: *Liquified petroleum gas and natural gasoline*, in bulk, in tank vehicles, from St. Clair County, Mich., to points in Indiana and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 102616 (Sub-No. 863), filed July 23, 1971. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, from terminals off the Colonial Pipelines, at or near Montvale, Va., to points in Barbour, Braxton, Brooke, Cabell, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Lewis, Marion, Marshall, Mason, Mineral, Monongalia, Ohio, Pleasants, Preston, Putnam, Ritchie, Roane, Taylor, Tyler, Wayne, Wetzel, Wirt, and Wood Counties, W. Va. 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 Roanoke, Va.

No. MC 103993 (Sub-No. 654), filed July 20, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Hardin County, Tenn., 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 103993 (Sub-No. 655), filed July 26, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from Lancaster, Pa., and Green Cove Springs, Fla., to points in the United States (excluding 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 Harrisburg, Pa.

No. MC 103993 (Sub-No. 656), filed July 26, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to perate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Castle County, Del., to points in the United States (excluding 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 Philadelphia, Pa.

No. MC 103993 (Sub-No. 658), filed August 2, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* on undercarriages from Rutherford County, Tenn., 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 Memphis, Tenn.

No. MC 103993 (Sub-No. 659), filed August 2, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Izard County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 105881 (Sub-No. 46) (Correction), filed July 29, 1971, published in the FEDERAL REGISTER, issue of September 2, 1971, and republished in part, as corrected, this issue. Applicant: M R & R TRUCKING COMPANY, a corporation, 715 North Ferdon Boulevard, Crestview, FL 32536. Applicant's representatives: Alan E. Serby, Post Office Box 872, Atlanta, GA 30301, and Virgil M. Pigott (same address as applicant).

NOTE: The purpose of this republication is to reflect the correct docket number as *105881 (Sub-No. 46)* in lieu of *MC 105887 (Sub-No. 46)* shown erroneously in previous publication. The rest of the application remains the same.

No. MC 106274 (Sub-No. 16), filed July 19, 1971. Applicant: RAEFORD TRUCKING COMPANY, a corporation, Landis Street, Sanford, NC 27330. Applicant's representative: J. L. Keith, Post Office Box 45, Sanford, NC 27330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel), *attachments, parts, and fittings therefor*, from plantsite of Flintkote Co., Pipe Products Group, Rootsdown Township, Portage County, Ohio, to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 106644 (Sub-No. 124), filed July 26, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW. (Post Office Box 916), Atlanta, GA 30301. Applicant's representatives: Acklie & Peterson, 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: *Commodities which*, because of their size or weight, require the use of special equipment, between points in Arkansas and Texas, on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it already holds the requested authority and this application is only for the purpose of eliminating a Georgia gateway. Applicant states it intends to tack to serve the same States it can now serve by tacking over the said Georgia gateway. Applicant has an application pending under MC 104727 (Sub-No. 13) for motor contract carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107012 (Sub-No. 122), filed July 9, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road (Post Office Box 988), Fort Wayne, IN 46801. Applicant's representatives: Donald C. Lewis and Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering, carpet pads, carpet tiles, rugs, carpet and carpeting*, from Pico Rivera and city of Commerce, Calif., to points in Colorado, Utah, Nevada, New Mexico, and Texas. NOTE: Applicant states tacking is possible at Dallas, Tex., to serve from the two origin points to Arkansas. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 544), filed August 9, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing; and fittings and accessories therefor*, from Palestine, Ohio, to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Cleveland, Ohio.

No. MC 107460 (Sub-No. 29), filed August 4, 1971. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representatives: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, and Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories, parts, and supplies and materials* used in the manufacture, repair, and assembly of aluminum doors and windows (except commodities in bulk), from points in Alabama, Arkansas, Florida, Connecticut, Delaware, 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, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the plantsite of Capitol Products Corp. located in Hampden Township, Cumberland County, Pa., and to its warehouses in Harrisburg, Pa., and the borough of Lemoyne, Pa. Restriction: The operations described above are limited to a transportation service to be performed under a continuing contract or contracts with Capitol Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107460 (Sub-No. 30), filed August 4, 1971. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representatives: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, and Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer ingredients* (except commodities in bulk), from the plantsite of A. H. Hoffman, Inc., located in East Hempfield Township, Lancaster County, Pa., to points in Georgia, Illinois, Indiana, North Carolina, South Carolina, and Virginia; and (2) *fertilizer and fertilizer ingredients* (except commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Ohio, Rhode Island, South Carolina, Vermont, West Virginia, Virginia, and the District of Columbia, to the plantsite of A. H. Hoffman, Inc., located in East Hempfield Township, Lancaster County, Pa., Restriction: The transportation service to be performed in the paragraphs immediately above are to be performed under a continuing contract or contracts, with A. H. Hoffman, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Washington, D.C., or (2) Harrisburg, Pa.

No. MC 107460 (Sub-No. 31), filed August 4, 1971. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representatives: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101, and Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accessories, parts, and supplies and materials used in the manufacture of metal roofing* (except commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the plantsite of Fabral Corp. located in East Hempfield Township, Lancaster County, Pa., under a continuing contract or contracts with Fabral Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 764), filed July 23, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representatives: Alan E. Serby and Paul M. Daniell, Post Office Box 782, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from Marcus Hook, Trenton, and Kearny, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Illinois, Missouri, Kansas, Arkansas, Oklahoma, Texas, North Carolina, South Carolina, Wisconsin, Colorado, Arizona, Minnesota, and California. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Chicago, Ill.

No. MC 107515 (Sub-No. 765), filed August 2, 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: *Meats, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, from Smithfield, Va., to points in Maryland, Delaware, District of Columbia,

Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states tacking is theoretically possible but not presently intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 107515 (Sub-No. 766), filed July 18, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Uniontown, Ala., to points in Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Missouri, Kentucky, Louisiana, Maryland, Michigan, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Washington, D.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 Atlanta, Ga.

No. MC 107515 (Sub-No. 767), filed July 22, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Alan E. Serby and Paul M. Daniell, 1600 First Federal Building, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as defined in appendix 1, sections A and C to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Madison, Wis., to points in Virginia and West Virginia. NOTE: Applicant states no tacking is intended as applicant's has authority to provide direct service in lieu of any operations possible by tacking in its existing authority. Applicant further states no duplicating is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107544 (Sub-No. 104), filed July 20, 1971. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representatives: Daryl J. Henry (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Piney Point, Md., to points in Virginia. NOTE: Applicant presently holds contract carrier authority under MC 113959 and subs, therefore dual operations may be involved. Applicant states that the requested authority could 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. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 108207 (Sub-No. 326), filed July 9, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Iowa, Minnesota, Nebraska, Wisconsin, Tennessee, and Kansas, restricted to traffic originating at Mattoon, Ill., and destined to points in the states named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Fort Worth, Tex.

No. MC 108207 (Sub-No. 329), filed August 9, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from Oklahoma City, Okla., to points in Arkansas, California, Louisiana, Mississippi, Texas, Nebraska, Missouri, Kansas, Illinois, and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 108449 (Sub-No. 331), filed July 12, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Minneapolis, Minn., Otter Tail County, Minn., and Vernon County., Wis., to provide through service to points in North Dakota, South Dakota, and Upper Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 109028 (Sub-No. 11), filed August 2, 1971. Applicant: S & W TRANSFER, INC., 2505 North Mayfair Road, Milwaukee, WI 53226. Applicant's representative: Robert M. Sielaty, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and such commodities* as are sold by or used in the operating retail gasoline service stations, except commodities in bulk, between Cicero, Ill., and points in Wisconsin, under a continuing contract or contracts with Mobil Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109397 (Sub-No. 259), 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: *Airplane loading maintenance and baggage handling equipment*, from San Leandro, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 110098 (Sub-No. 117), filed August 9, 1971. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representatives: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and T. W. Cothren (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 packinghouse products*, 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 the plantsite and storage facility of Swift Fresh Meats Co., Tolleson, Ariz., to points in Arkansas, Louisiana, and Mississippi. The authority to be restricted to apply only on shipments originated at the above-named plantsite and destined to the above-named states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Phoenix, Ariz.

No. MC 110325 (Sub-No. 51), filed July 19, 1971. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, CA 90015. Applicant's representative: Frank W. Taylor, Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. 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, and commodities in bulk, between Grand Rapids and Muskegon, Mich., serving all intermediate points: (a) From Grand Rapids over Interstate Highway 96 to Muskegon, and return over the same route; (b) from Grand Rapids over Michigan Highway 45 to junction Michigan Highway 11, thence over Michigan Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to Muskegon,

also over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route; and (c) from Grand Rapids over Michigan Highway 45 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route. NOTE: Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Grand Rapids or Muskegon, Mich.

No. MC 110525 (Sub-No. 1012), filed August 2, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowington, PA 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid, dry*, in bulk, in tank vehicles, from Hopewell, Va., to Philadelphia, Pa. 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 in New York, N.Y., or Washington, D.C.

No. MC 111103 (Sub-No. 36), filed July 12, 1971. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY, and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between Washington, D.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with General Services Administration. NOTE: Applicant holds common carrier authority under MC 133698, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111103 (Sub-No. 37), filed July 12, 1971. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY, and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin of all denominations*, between Culpeper, Va., on the one hand, and, on the other, Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N.Y.; Charlotte, N.C.; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; El Paso, Tex.; Helena, Mont.; Houston, Tex.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Calif.; Louisville, Ky.; Memphis, Tenn.; Miami, Fla.; Minneapolis, Minn.; Nashville, Tenn.; New Orleans, La.; New York, N.Y.; Oklahoma City, Okla.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Richmond, Va.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Tex.; San Francisco, Calif.; Seattle, Wash.; and Washington, D.C., under contract with General Services Administration. NOTE: Applicant holds common carrier authority under MC 133698, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111170 (Sub-No. 167), filed August 5, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, from North Little Rock, Ark., to East Alton, Ill. 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 Little Rock, Ark., or Memphis, Tenn.

No. MC 111375 (Sub-No. 54), filed August 4, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Robinson, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, 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 Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 111375 (Sub-No. 55), filed August 9, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53407. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Mattoon, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at Mattoon, Ill., and destined to points in the above-named destination area. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 111729 (Sub-No. 324), filed July 23, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between J. F. Kennedy Airport, La Guardia Airport, N.Y., and Newark, N.J., airport, on the one hand, and, on the other, Catonsville, Md., and Eatontown, N.J., on traffic having an immediately prior or subsequent movement by air; (b) between Washington, D.C., on the one hand, and, on the other, points in North Carolina, Tennessee, Virginia, and West Virginia; (c) between Deerfield, Ill., on the one hand, and, on the other, Ames, Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque, Fort Dodge, Iowa City, Marshalltown, Mason City, Ottumwa, Sioux City, Storm Lake, Waterloo, and West Des Moines, Iowa; Appleton, Baraboo, Brookfield, Eau Claire, Fond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Lake Geneva, Madison, Manitowoc, Middleton, Milwaukee, Racine, Rhinelander, Sheboygan, Watertown, Wausau, West Bend, and Wisconsin Rapids, Wis.; and (d) between Scranton, Pa., and Paterson, N.J.; (2) *automotive parts and supplies*, (except packages or articles weighing in the aggregate more than 95 pounds from one consignor to one consignee on any one day);

(a) Between Washington, D.C., on the one hand, and, on the other, points in North Carolina, Tennessee, Virginia, and West Virginia; (b) between Deerfield, Ill., on the one hand, and, on the other, Ames, Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque, Fort Dodge, Iowa City, Marshalltown, Mason, City, Ottumwa, Sioux City, Storm Lake, Waterloo, and West Des Moines, Iowa; Appleton, Baraboo, Brookfield, Eau Claire, Pond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Lake Geneva, Madison, Manitowoc, Middleton, Milwaukee, Racine, Rhineland, Sheboygan, Watertown, Wausau, West Bend, and Wisconsin Rapids, Wis.; (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material* (moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Niles, Mich., on the one hand, and, on the other, Anderson, Bloomington, Elkhart, Fort Wayne, Frankfort, Indianapolis, Kokomo, Lafayette, Logansport, Marion, Michigan City, Muncie, Peru, South Bend, Terre Haute, and Vincennes, Ind.; and (4) *ophthalmic goods and business papers and records moving therewith*, between Rosemont, Ill., on the one hand, and, on the other, Fort Wayne, Hammond, and South Bend, Ind.; Cedar Rapids, Davenport and Dubuque, Iowa; Green Bay, Madison, Milwaukee, Oshkosh, and Whitewater, Wis. NOTE: Appli-

cant also holds contract carrier authority under MC 112750 and subs thereunder, therefore, common control and dual operations may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, it does not, at present, have any intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112801 (Sub-No. 129), filed August 3, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean solubles* in bulk, from Remington, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113267 (Sub-No. 271), filed August 6, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Iowa, Minnesota, Nebraska, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, and Kansas. Restriction: Restricted to traffic originating at Mattoon, Ill., and destined to points in the States named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113336 (Sub-No. 86), filed August 5, 1971. Applicant: PETROLEUM TRANSIT CO., INC., Post Office Box 921, Lumberton, NC. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in packages or containers, from points in Hancock County, W. Va., to points in Mississippi, Florida, Georgia, South Carolina, North Carolina, Kentucky, Alabama, Tennessee, and Louisiana. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 221), filed July 12, 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: *Charcoal briquets*, in bags, from Cotter, Ark., to points in Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 430), 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: *General commodities*, when also moving on freight forwarder bills of lading, from facilities of ABC Freight Forwarding Corp. and Midland Forwarding Corp. at Elizabeth, N.J., New York, N.Y., and Boston, Mass., and their commercial zones, to Denver, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 113751 (Sub-No. 13), filed August 5, 1971. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Building, Madison, Wis. 53705. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes, fireplace logs, wood chips, vermiculite, lighter fluid, and accessories used in outdoor cooking*, in mixed loads with charcoal and charcoal briquettes, from the plantsite of Husky Briquetting, Inc., at Isanti, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113843 (Sub-No. 171), filed August 2, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cheriton, Va., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania (except points east of the Susquehanna River), Rhode Island, South Dakota, Vermont, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (Sub-No. 52), filed August 2, 1971. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from Shelby County, Tenn., to points in Arkansas. NOTE: Applicant states that the requested authority could be tacked with MC 113861 Sub 31 wherein applicant is authorized to transport the involved commodities from Barfield, Ark., to points in all or a part of 16 States, some of which would be circuitous and some not. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114019 (Sub-No. 222), filed August 12, 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: *Petroleum products, vehicle body sealer, and sound deadening compounds*, from points in Hancock County, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 164), filed August 2, 1971. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, IL 62201. Applicant's representative: Gene Kreider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Witch hazel*, in bulk, in tank trucks, from Essex, Conn., to points in Illinois, Michigan, Ohio, and from East Hampton, Conn., to St. Louis, Mo.; Chicago, Ill.; Allegan, Mich.; and Pittsburgh, Pa. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114332 (Sub-No. 6), filed July 30, 1971. Applicant: RAYBURN TRUCKING, INC., 550 Broadway, Eliza-

beth, NJ 07206. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel and component parts*, used in the manufacture thereof, between New York, N.Y., Elizabeth and Middlesex, N.J., on the one hand, and, on the other, Miami, Fla., restricted (1) to shipments moving in foreign commerce which have a prior or subsequent movement by water or air, and (2) to a transportation service performed under a contract or continuing contract with Trade Wind Fashions, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 115113 (Sub-No. 27), filed July 26, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat-packinghouses* (except hides and commodities in bulk) 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, from the plantsite and warehouse facilities utilized by Aristo Kansas Meat Packers, located at or near Holton, Kans., 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 the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Kansas City, Kans., or Omaha, Nebr.

No. MC 115113 (Sub-No. 28), filed August 9, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) 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, from the plantsites and warehouse facilities utilized by Farmland Foods, Inc., located at/or near Denison, Iowa, and Iowa Falls, Iowa, and Omaha, Nebr., 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. Restrictions: The proposed service herein is restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115162 (Sub-No. 233), filed August 6, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Roof trusses, wooden; structures, wooden; composition board; building materials; and accessories* used in the installation thereof, from Jasper, Fla., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala.

No. MC 115663 (Sub-No. 4), filed August 6, 1971. Applicant: HULL AND SMITH HORSE VANS, INC., Ashland, Nebr. 68003. Applicant's representative: Charles J. Kimball, 625 South 14th Street (Post Office Box 82028), Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicles with such horses, *stable supplies and equipment* used in the care and exhibition of such horses, *mascots and the personal effects* of attendants, trainers, and exhibitors, between points in Texas, New Mexico, Arkansas, Louisiana, Kentucky, Illinois, Minnesota, Michigan, Oklahoma, Ohio, Nebraska, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states it seeks no duplicating authority and will surrender for cancellation any authority duplicating that granted herein. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 220), filed July 26, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088TA, 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, from points in Washington, Oregon, and Idaho to points in Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, Oklahoma, Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that it does not intend to tack, although it can tack with its authority in MC 115826 and subs thereto. Applicant further states that this application is in part to eliminate tacking and to eliminate joint line operations. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Boise, Idaho, or Denver, Colo.

No. MC 115826 (Sub-No. 221), Filed July 26, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088TA, 1960 31st Street, Denver CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. 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, from Wallula, Wash., to points in Oregon, Washington, California, Idaho, Montana, Utah, Nevada, Colorado, Arizona, New Mexico, Texas, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. 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 Phoenix, Ariz., or Denver, Colo.

No. MC 115826 (Sub-No. 222), filed July 26, 1971. Applicant: W. J. DIGBY, INC., Post Office Box 5088TA, 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from plantsites and storage facilities utilized by Missouri Beef Packers at or near Amarillo, Cactus, Friona, and Plainview, Tex., and Phelphs City, Mo., to points in Connecticut, Delaware, Massachusetts, New York, Rhode Island, New Jersey, Pennsylvania, Maryland, Virginia, the District of Columbia, Ohio, Indiana, and Michigan. 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 Denver, Colo.

No. MC 116073 (Sub-No. 182), filed August 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings in*

sections, mounted on wheeled undercarriages, from points in Izard County, Ark., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 116763 (Sub-No. 204), filed August 5, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and related items, including materials and supplies* used in the distribution and installation thereof, from points in New Jersey, Oklahoma, and Pennsylvania, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 116763 (Sub-No. 205), filed August 6, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs, and food preparations* (except in bulk), from Kendallville, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, restricted to traffic originating at Kendallville, Ind., and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116913 (Sub-No. 5), filed August 2, 1971. Applicant: RAYMOND BUIS, doing business as BUIS TRUCKING, 110 Tandy Avenue, Somerset, KY 42501. Applicant's representative: Robert H. Kinker, Box 464, Frankfort, KY 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, from Cincinnati, Ohio, to Frankfort, Ky., and points in Anderson, Adair, Barren, Boyd, Boyle, Breckinridge, Carter, Casey, Clinton, Cumberland, Fayette, Garrard, Grayson, Green, Greenup, Hardin, Hart, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Metcalfe, Monroe, Nelson, Rowan, Russell, Taylor, Washington, and Wayne Counties, Ky.; and (2) *Salt*, from Rittman, Ohio, to Somerset, London, and Frankfort, Ky., and points in Anderson, Adair, Barren, Boyd, Boyle, Breckinridge, Carter, Casey, Clinton, Cumberland, Fayette, Garrard, Grayson, Green, Greenup, Hardin, Hart, Jessamine, Larue, Lincoln, Madison, Marion, Meade, Mercer, Metcalf, Monroe, Nelson, Rowan, Russell, Taylor, Washington, and Wayne Counties, Ky., under contract with Southern States Cooperative, Inc., and Jellico Grocery Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 117375 (Sub-No. 8), filed August 6, 1971. Applicant: BRANSON TRUCK LINE, INC., 1309 East Highway 56, Lyons, KS 67554. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products, masonry products, masonry commodities, concrete products and concrete commodities, including flue liners, miscellaneous iron and steel, fireplace parts and accessories and supplies when shipped with said products and commodities and return of dunnage or pallets*, between points in Kansas, Missouri, Oklahoma, Texas, Colorado, Nebraska, Iowa, Illinois, South Dakota, Minnesota, Arkansas, New Mexico, Wyoming, Wisconsin, 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 Kansas City, Mo.

No. MC 117647 (Sub-No. 5), filed August 9, 1971. Applicant: JAMES R. NOLES AND MILDRED NOLES, a partnership, doing business as NOLES TRUCKING, 2332 Washington Avenue, Terre Haute, IN 47803. Applicant's rep-representative: John E. Lesow, 3737 N. Meridian Street, Indianapolis, IN 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated ties, piling, poles, posts, and structural timber*, from points in Illinois and Kentucky (except points located at or near Gray, Ky.), to Terre Haute, 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 117574 (Sub-No. 208), filed August 5, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant), and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment*; (4) *attachments* for above-described commodities; (5) *internal combustion engines*; (6) *parts* of the above-described commodities when moving in mixed loads with such commodities; and (7) *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) through (6) above, from the plant and warehouse sites and storage facilities of J. I. Case Co., at or near Racine, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117799 (Sub-No. 16), filed August 6, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3303 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Patrick M. Porritt (same addess as applicant) and Donald M. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa, to points in Washington, Montana, Idaho, Oregon, California, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Mississippi, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia; and *materials, supplies, and equipment* used or useful in the preparation, packing, and sale of these commodities, from the above States, to St. James, Madelia, Butterfield, Minn.; and Estherville, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn., or Washington, D.C.

No. MC 117815 (Sub-No. 179), filed August 6, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at Mattoon, Ill., and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 66), filed July 26, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, periodical inserts and business forms,*

and newsprint which is exempt from economic regulation in mixed truckloads with regulated commodities, from Metuchen, N.J., to points in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118806 (Sub-No. 18), filed July 26, 1971. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg 6, MB, Canada. 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) *Boats*, from the ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments* of the above-described commodities, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 76), filed August 4, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road (Post Office Box 1196), Joplin, MO 64801. Applicant's representative: Ray F. Kempt, Post Office Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and ingredients*, from Old Rock, Mo.-Kans., to points in Colorado and Arizona and from Kansas City, Kans., to points in Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119619 (Sub-No. 63), filed July 23, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy, cough drops, and chewing gum*, from the plantsites and facilities of Beech Nut, Inc., at Canajoharie and Fort Plain, N.Y., to points in Illinois, Indiana, Kentucky, Tennessee, Michigan, Ohio, Wisconsin, Missouri, Minnesota, Nebraska, Iowa, 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 Washington, D.C.

No. MC 119702 (Sub-No. 36), filed August 2, 1971. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, IL 62025. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plantsite of Illinois Road Contractors, Inc., terminal, in Pike County, near Meredosia, Ill., to points in Iowa, Missouri, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119774 (Sub-No. 29), filed August 2, 1971. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX), AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Heavy and/or cumbersome commodities*, which because of size or weight require special equipment for the handling thereof, and *related parts* when moving as a part of the same shipment (except oilfield equipment, machinery and supplies), between points in Louisiana. NOTE: Applicant states that possible tacking of the requested authority at Shreveport exists, but not generally practical, therefore does not identify the points or territories which can be served through tacking. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Shreveport, Baton Rouge, or New Orleans, La., or Dallas, Tex.

No. MC 119777 (Sub-No. 216), filed August 2, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer "L", Madisonville, KY 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101 and William G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles, aluminum fabrications, iron and steel articles, iron and steel fabrications*, between the plantsite of the Planet Southern Corp. at Birmingham, Ala., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant presently holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that it intends to tack the requested authority with its existing authority under MC 119777 and subs, where applicable, but 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 Nashville, Tenn.

No. MC 119789 (Sub-No. 95), 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 to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber and yarn*, from Waynesboro, Va., to points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Dallas, Tex., or Phoenix, Ariz.

No. MC 119789 (Sub-No. 97), 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: *Candy and confectionary advertising matter and materials and display racks*, from Thibodaux, La., to points in Texas, Oklahoma, Arkansas, New Mexico, Arizona, Kansas, Nevada, California, Utah, Oregon, and Washington. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicated that it has no present intention to tack, and, therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.; Dallas, Tex.; or Washington, D.C.

No. MC 119789 (Sub-No. 98), 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: *Paper and paper backed foil, wrapping, flat sheets and rolls; ribbon and ribbon bows or rosettes; cloth, fabric or tape, glass fiber; plastic film, printed or other than printed; cellulose film products; store display racks and stands; tools, other than power tools; decorations and ornaments; artificial flowers or foliage*, from Franklin, Tenn., to points in Kansas, Oklahoma, Texas, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Washington, D.C., or Dallas, Tex.

No. MC 119849 (Sub-No. 6), filed July 20, 1971. Applicant: DYE HAULING COMPANY, a corporation, Post Office

Box 6117, Dallas, TX 75222. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and ground limestone or limedust*, from points in Wise County, Tex., to points in Jefferson Davis, Allen, Evangeline, Cameron, Vermilion, Calcasieu, Beauregard, Vernon, Rapides, Sabine, Natchitoches, Grant, St. Landry, St. Martin, Iberia, Caddo, Bossier, Webster, Lincoln, Claiborne, Union, Morehouse, Ouachita, Jackson, Bienville, De Soto, Red River, Winn, and Caldwell Parishes, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Shreveport, La.

No. MC 119908 (Sub-No. 14), filed July 26, 1971. Applicant: WESTERN LINES, INC., 3523 McCarty Avenue, Houston, TX 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Louisiana to points in Alabama, Arkansas, Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 120430 (Sub-No. 4), filed August 6, 1971. Applicant: COASTAL TRANSPORT CO., INC., 3009 South Post Oak Road (Post Office Box 22592), Houston, TX 77027. Applicant's representative: Archie H. Hutto (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood building products* (except commodities in bulk) including *lumber, post, and poles, treated or untreated; fiberboard insulating sheathing, medium density hardboard siding, hardboard, plywood, and particleboard*, from Diboll, Tex., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico; and (2) *lumber, treated or untreated and particleboard*, from Pineland, Tex., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 134957 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 120943 (Sub-No. 2), filed July 16, 1971. Applicant: A. FRANCIS, INC., 145 Burrill Street, Swampscott, MA 01907. Applicant's representative: Nathan Francis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used machinery and related machinery parts*, between points in Massachusetts, on the one hand, and, on the other, points in Maine and New Hampshire. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123048 (Sub-No. 200), filed July 19, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard, polyester-overlaid particleboard and veneer-overlaid particleboard*, from points in Missoula County, Mont., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, 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 Billings, Mont., or Spokane, Wash.

No. MC 123091 (Sub-No. 12), filed July 19, 1971. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude iron pellets*, in bulk, from Georgetown, S.C., to Birmingham, Ala.; Lynchburg, Va., and points in Ohio and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 123613 (Sub-No. 11), filed August 2, 1971. Applicant: CLAREMONT MOTOR LINE, INC., Post Office Box 296, Claremont, NC 28610. Applicant's representative: Bill R. Davis, Suite 1208, Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alexander, Burke, Caldwell, Catawba, Iredell, and Lincoln Counties, N.C., to points in Illinois, Indiana, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 123372 (Sub-No. 22), filed July 20, 1971. Applicant: CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Height, MI 48123. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber; precut building panels and sections, and component parts thereof*, moving in the same vehicles and in connection with said building panels and sections, from the plant and warehouse sites of Fingerle Lumber Co., at or near Ann Arbor, Mich., to points in Pennsylvania, Illinois, New York, Kentucky, Ohio, Wisconsin, and Indiana, under contract with Fingerle Lumber Co. NOTE: Applicant holds common carrier authority under MC 118594, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 123844 (Sub-No. 7), filed July 16, 1971. Applicant: P. SALDUTTI & SON, INC., 513 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Inedible fish oils, vegetable oils, sea animal oils*, in bulk, from the plantsite and storage facilities of Archer Daniels Midland Co. at Elizabeth, N.J.; (2) *inedible fish oils and vegetable oils*, in bulk, from Edgewater, N.J.; (3) *inedible fish oils and vegetable oils*, in bulk, from the plantsite of the Ashland Chemical Co., Division of Ashland Oil, Inc., at Newark, N.J.; and (4) *liquid synthetic resins, inedible fish oils, vegetable oils, sea animal oils, and derivatives of these oils*, in bulk, from the plantsite of the Ashland Oil Co., Division of Ashland Oil, Inc., at Newark, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, over irregular routes. NOTE: Applicant states there are certain tacking possibilities with its authority in No. MC 123844 involving the transportation of some bulk commodities in New Jersey, New York, Pennsylvania, and Connecticut. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 123902 (Sub-No. 4), filed August 5, 1971. Applicant: NORTH JERSEY TRANSFER, INC., Post Office Box 392, Sparta, NJ 07871. 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: (1) *Chaise lounges, chairs, pads, shovels, snow pushers, sidewalk cleaners, ladders, stoves, and artificial trees*, between Farmingdale and New York, N.Y., on the one hand, and, on the other, points in Louisiana on and east of the Mississippi River; points in that part of Minnesota on and east of a line beginning at the junction of the Mississippi River with the southeastern boundary of Minnesota and extending northward along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the in-

ternational boundary line between the United States and Canada, and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Living Industries, Inc. (2) *plastic articles, equipment, materials and supplies* used or useful in the manufacture of plastic articles;

(a) Between Hazelton, Pa., and Oakland, N.J., on the one hand, and, on the other, points in Louisiana on and east of the Mississippi River; points in that part of Minnesota on and east of a line beginning at the junction of the Mississippi River with the southeastern boundary of Minnesota and extending northward along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, and (b) between Fitchburg, Worcester, Leominster, and Jamaica Plains, Mass., on the one hand, and, on the other, points in Louisiana on and east of the Mississippi River; points in that part of Minnesota on and east of a line beginning at the junction of the Mississippi River with the southwestern boundary of Minnesota and extending northward along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized;

(3) *Truck body kits, equipment, materials and supplies* used or useful in the manufacture and sale of truck body kits, between Oneonta, N.Y., on the one hand, and, on the other, points in Louisiana on and east of the Mississippi River; points in that part of Minnesota on and east of a line beginning at the junction of the Mississippi River with the southeastern boundary of Minnesota and extending northward along the Mississippi River at its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, and limited, under items (2) and (3) immediately above, to a transportation service to be performed under a continuing contract or contracts with Instrument Systems Corp., their subsidiaries and divisions; and (4) *nickel iron chromium alloy, steel, cupro nickel, nickel, nickel steel, copper, nickel copper, metal wire not exceeding 40 cents a pound, strip or ribbon nickel contained not perforated, iron foundry products and nickel*, between Harrison, N.J., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and limited, under item (4) immediately above, to a transportation service to be performed under a continuing contract or contracts with Driver-Harris Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 494), filed July 19, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer*, from Jackson Township, Paulding County, Ohio to points in Indiana and Michigan. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124111 (Sub-No. 31), filed July 12, 1971. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and perishable foodstuffs* in vehicles equipped with mechanical refrigeration, from Solon, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, Maine, New Hampshire, Rhode Island, Delaware, Michigan, Maryland, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124211 (Sub-No. 194), filed August 9, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or packaged foodstuffs*, from points in California, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states it intends to tack the requested authority with its existing authority in MC 124211 Subs Nos. 105, 115, 109, and 18 at points in Nebraska. Applicant does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 124211 (Sub-No. 195), filed August 11, 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: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., 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. Restriction: The authority sought herein is restricted to the transportation of shipments originating at the plant and warehouse facilities utilized by Needham Packing Co., at Omaha, Nebr., and destined to the named destination States; (2) bakery products and snack foods, from Burlington, Iowa, to points in the United States on and west of U.S. Highway 75 (except points in Alaska and Hawaii). NOTE: If a hearing is deeemed necessary, applicant requests it be held at Omaha, Nebr., or Burlington, Iowa.

No. MC 124774 (Sub-No. 80), filed July 23, 1971. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 3200 Highway 75 North, Post Office Box 536, Sioux City, IA 51101. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A

and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, Delaware, New York, New Jersey, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 124796 (Sub-No. 88), filed July 21, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representatives: William J. Monheim (same address as applicant) and J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cove base*, from City of Industry, Calif., to points in the United States (except Alaska and Hawaii); and (2) *returned, refused, or rejected shipments of cove base*, from points in the United States (except Alaska and Hawaii), to City of Industry, Calif. Restriction: The operations sought herein are limited to a transportation service to be performed under a continuing contract or contracts with Roberts Consolidated Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126276 (Sub-No. 54) (Correction), filed July 30, 1971, published in the FEDERAL REGISTER, issue of September 2, 1971, and republished in part, as corrected this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. NOTE: The purpose of this partial republication is to reflect the correct docket number as *126276 (Sub-No. 54)* in lieu of *126272 (Sub-No. 54)*, shown erroneously in previous publication. The rest of the application remains as previously published.

No. MC 126276 (Sub-No. 55), filed August 6, 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 container ends when moving with metal containers, from La Porte, Ind., and Madisonville, Ky., to points in the United States (except Alaska and Hawaii), under contract with National Can Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126844 (Sub-No. 12), filed July 21, 1971. Applicant: R. D. S. TRUCKING CO., INC., 538 North Main Road, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and cereal beverages*, from Hammonton, N.J., to points 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 Washington, D.C.

No. MC 126882 (Sub-No. 3), filed August 6, 1971. Applicant: TRANSPORT DALLAIRE, LTD., a corporation, 90 Quest Boulevard Tache, C.P. 218, Montmagny, PQ Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood fencing*, from the international boundary line between the United States and Canada at or near Jackman, Maine, Norton, Vt., and Champlain, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia. Restriction: The operations authorized herein are to be limited to a transportation service to be performed under a continuing contract or contracts with Berion, Inc., of Notre Dame, Du Lac (Temiscouata County) Quebec, Canada; Cedar Products, Ltd., of St. Martin de Beauce, Quebec, Canada, Bancourt Industrial, Ltd., of St. Georges de Beauce, Quebec, Canada; Les Materiaux Blanchet, Inc., of St. Phamphile, Cte. L'Islet, Quebec, Canada; The Daaquam Lumber, Ltd., St. Paul, Co. Montmagny, Quebec, Canada; Conrad Poulin & Fils Ltee. of St. Georges, Beauce, Quebec, Canada. NOTE: The purpose of this application is to authorize applicant to serve the additional States of Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia for its existing contracting shippers and all of the destination States for three new contracting shippers. No duplicating authority sought. If this application is granted applicant will request cancellation of its existing permit No. MC-126882 dated February 24, 1971. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Portland, Maine.

No. MC 127147 (Sub-No. 3), filed August 2, 1971. Applicant: POTTER TRANSFER, INC., % General Delivery, Waldorf, Md. 20601. Applicant's representative: Francis W. McInerny, 1000 16th Street, NW, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark and mulch*, between points in Calvert, Anne Arundel, Charles, and St. Marys Counties, Md., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Delaware, Virginia, West Virginia, Ohio, North Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127215 (Sub-No. 55), filed July 22, 1971. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in bulk, in tank vehicles, from Detroit, Mich., to points in Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. 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 through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127215 (Sub-No. 56), filed August 9, 1971. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, IL 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk: (1) From Robinson, Ill., to points in Illinois, Iowa, Missouri, and Wisconsin; and (2) from Lawrenceville, Ill., to points in Illinois and Wisconsin. NOTE: Applicant states tacking possibilities exist but it does not plan to do so at the present time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127274 (Sub-No. 28), filed August 5, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in packages, in bags and in bulk, from Sandersville, Washington County, Ga., to points in Indiana, Illinois, Ohio, points in Michigan on and south of U.S. Highway 10, Arkansas, Louisiana, South Carolina, Alabama, Mississippi, Texas, Kentucky, Tennessee, West Virginia, North Carolina, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant

requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 127450 (Sub-No. 7), filed August 2, 1971. Applicant: T. G. GARLAND, doing business as B & W FREIGHT LINES, 200 North Buchanan Street, Amarillo, TX 79107. Applicant's representative: T. G. Garland, Post Office Box 2884, Amarillo, TX 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Amarillo, Tex., and Oklahoma City, Okla., over U.S. Highway 66/Interstate Highway 40, and return over the same route, serving the termini, and intermediate points of Clinton, Weatherford, El Reno, Yukon, and Bethany, Okla., and the off-route points of Cordell, Binger, and Minco, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 128095 (Sub-No. 8), filed July 29, 1971. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, Post Office Box 1402, Tupelo, MS 38801. Applicant's representatives: Donald B. Morrison and Fred W. Johnson, Jr., 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products* (except in bulk), from Fort Smith, Ark., to Memphis, Tenn., and Tupelo, Miss. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 128260 (Sub-No. 2), filed August 2, 1971. Applicant: TACEY TRANS. CORP., 127 Main Street, Nashua, NH 03060. Applicant's representative: Arthur A. Wentzell, Post Office Box 764 Worcester, MA 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Washed sand*, in bags and in bulk, from Lyneboro and Wilton (Hillsboro County), N.H., to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont; (b) *bank gravel*, in bulk, from Lyneboro and Wilton (Hillsboro County), N.H., to points in Massachusetts; and (c) *crushed gravel*, in bulk, from Lyneboro and Wilton (Hillsboro County), N.H., to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont. 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 Manchester, N.H., or Boston, Mass.

No. MC 128449 (Sub-No. 2), filed August 2, 1971. Applicant: JAMES A. TUCKER, doing business as JIMMIE TUCKER TRUCKING, Route 1, Box 40B, Broken Bow, OK 74728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, rough or dressed, treated or untreated, plywood and composition or asphalt lumber, including boards, sheets, and exterior siding and particleboard made from ground wood, wood chips, or sawdust with weight of added binder not to exceed 14 percent*, from plantsites of the Weyerhaeuser Co., Inc., located in McCurtain County, Okla., to points in Colorado, New Mexico, Texas, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 129282 (Sub-No. 10), filed July 30, 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: *Malt beverages and materials and supplies* ordinarily dealt in by malt beverage distributors, (1) from Memphis, Tenn., to points in Louisiana; and (2) from New Orleans, La., to points in Arkansas and Mississippi. NOTE: Applicant states that the requested authority can be tacked with its existing authority at New Orleans, La., but does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Shreveport, La.

No. MC 129576 (Sub-No. 4), filed August 12, 1971. Applicant: HORNER TRUCK SERVICE, INCORPORATED, 301 Lewis Street, Canton, MO 63435. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer and phosphatic fertilizer solutions*, from Helton and South River (Marion County), Mo., to points in Missouri, Iowa, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 129657 (Sub-No. 9), filed August 4, 1971. Applicant: Ken McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, WI 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising equipment, premiums, material, and supplies* when shipped therewith, (1) from St. Louis, Mo., to points in Wisconsin; and (2) from Belleville, Ill., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129681 (Sub-No. 1), filed August 9, 1971. Applicant: CHICAGO FREIGHT LINES, INC., Post Office Box 89, Hamilton, OH 45012. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books and paper mill products and supplies*, between Chicago, Ill.; Hammond, Ind; Hamilton, Ohio, and Versailles, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133061 (Sub-No. 2), filed July 30, 1971. Applicant: PUBLIC TRANSPORT CORPORATION, Post Office Box 327, Troutman, NC 28166. Applicant's representative: R. Mayne Albright, Post Office Box 1206, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer materials, nitrogen solutions, and anhydrous ammonia*, from all manufacturing plants and storage facilities in North Carolina, including but not limited to existing plants or facilities in Wilmington, Fayetteville, Elmwood, Wilson, Lumberton, Maxton, Charlotte, Beaufort, and Rocky Mount, to points in South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C., Charlotte, N.C., or Raleigh, N.C.

No. MC 133487 (Sub-No. 1), filed August 9, 1971. Applicant: RAUB TRANSPORT, INCORPORATED, 4 Water Street, Niles, OH 44446. Applicant's representative: Paul F. Beery, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Concrete products*, except commodities in bulk; (b) *pipe fittings*; (c) *materials and supplies* incidental to the manufacture of concrete products, except commodities in bulk, between the plantsite of Price Brothers Co. in Duchess 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. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133703 (Sub-No. 3), filed July 29, 1971. Applicant: WISCONSIN CHEESE SERVICE, INC., Post Office Box 337, Waukesha, WI 53186. Applicant's representative: Glen L. Gissing, 8 South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Nauvoo, Ill., and Burlington, Iowa,

to Los Angeles and San Francisco, Calif., under contract with Nauvoo Milk Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at anywhere in Wisconsin.

No. MC 134073 (Sub-No. 12) (Correction), filed July 20, 1971, published in the FEDERAL REGISTER, issue of September 2, 1971, and republished in part, as corrected this issue. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The sole purpose of this partial republication is to reflect the correct docket number as *134073 (Sub-No. 12)* in lieu of MC 134070 (Sub-No. 12), shown erroneously in previous publication. The rest of the application remains as previously published.

No. MC 134400 (Sub-No. 5), filed August 5, 1971. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345 South Main Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Dubuque, Iowa, to points in the United States (except Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Alaska, and Hawaii), and *materials and supplies* used in the manufacture and distribution of building materials, from points in the United States (except Alaska and Hawaii), to Dubuque, Iowa, under contract with Klauer Manufacturing Co., Dubuque, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa, Madison, Wisc., or Des Moines, Iowa.

No. MC 134528 (Sub-No. 3), filed August 9, 1971. Applicant: C. M. PARKER AND JAMES PARKER, a partnership, doing business as PARKER BROTHERS, Route 2, Effingham, SC 29541. Applicant's representative: Thomas E. Smith, Jr., 100 Walnut Street, Pamplico, SC 29583. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Acme, N.C., to points in Florence, Marion, Darlington, Georgetown, and Horry Counties, 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 Atlanta, Ga., Columbia, S.C., Charlotte, N.C., or Washington, D.C.

No. MC 134574 (Sub-No. 7), filed August 5, 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: *Frozen fruits, frozen berries, frozen vegetables, frozen pies, and frozen concentrated fruit juices and beverages preparations*, from points in California to ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, and Montana, restricted to shipments having a destination in the Province of Alberta, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 124972 Sub 2, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134777 (Sub-No. 17), 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 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 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 135153 (Sub-No. 10), filed July 27, 1971. Applicant: GREAT OVERLAND, INC., Fort Dodge Road, Dodge City, KS 67801. Applicant's representative: Harley E. Laughlin, Post Office Box 1417, Dodge City, KS 67801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facility of Swift & Co. at Guymon, Okla., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to apply only on shipments originating to the above-named plantsite and destined to the above named States: NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135281 (Sub-No. 7), filed July 23, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route 4, Box 61, Elizabethtown, KY 42701. 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: (1) *Molten aluminum alloy* from the plantsite of National Aluminum Corp. located in Hancock County, Ky., to Bedford, Ind.; and (2) *aluminum shot*, in bulk, in dump vehicle, from the plantsite of National Aluminum Corp. located in Hancock County, Ky., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Vermont, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio (except Cleveland, Ohio, and points in the Cleveland, Ohio commercial zone), Michigan (except Detroit, Mich., and points in the Detroit Mich., commercial zone), Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, 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 Louisville, Ky., or Pittsburgh, Pa.

No. MC 135398 (Sub-No. 3), filed July 22, 1971. Applicant: CULLEN TRUCKING CO., INC., 9540 South Baltimore Avenue, Chicago, IL 60617. Applicant's representative: Samuel Ruff 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shortening and meats* except in bulk in tank vehicles), between Chicago, Ill., and points in Indiana, Michigan, Ohio, Illinois, and Kentucky, for the account of Chicago Shortening Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135456 (Sub-No. 1), filed August 9, 1971. Applicant: ENDICOTT OVERSEAS EXPRESS, INC., 555 West 33rd Street, New York, NY 10001. Applicant's representatives: Alvin Altman and Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New York City, Nassau, Ulster, Suffolk, Westchester, Dutchess, Putnam, Rockland, and Orange Counties, N.Y.; Essex, Bergen, Hudson, Passaic, Union, Middlesex, Monmouth, Morris, Sussex, Ocean, Mercer, Sommerset, Hunterdon, and Burlington Counties, N.J.; and Fairfield, Litchfield, New Haven, Hartford, and Middlesex Counties, Conn., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135750 (Sub-No. 2), filed August 2, 1971. Applicant: COALE TRUCK TRANSPORT, INC., Post Office Box 135, Darlington Road, U.S. Route 161, Darlington, MD 21034. Applicant's representative: Robert J. Carson, 1700 1 Charles Center, Baltimore, MD 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe* (including fittings and accessories therefor), from the plant of Kyle, Inc. (trading as Meade Concrete Pipe Co.), at Aberdeen, Md., to points in Delaware, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia, including all commercial zones therein, under contract with Kyle, Inc. (trading as Meade Concrete Pipe Co.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 135750 (Sub-No. 2), filed August 6, 1971. Applicant: H.G.M. TRANSPORT COMPANY, a corporation, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's and children's ready-to-wear apparel stores and *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J. (including the commercial zones of these points as prescribed by the Interstate Commerce Commission), on the one hand, and, on the other, points in Alabama, Mississippi, Louisiana, Georgia, Florida, North Carolina, Ohio, and Illinois, under contract with Gaylords National Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135896 (Correction), filed July 27, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished in part, as corrected this issue: Applicant: MOBILE AIR-TRANSPORT, INC., Corner of First and State Street, Troy, NY 12180. Applicant's representative: E. Robert Bartle (same address as applicant). NOTE: The purpose of this partial republication is to show the correct docket number assigned as MC 135896 in lieu of MC 135986, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 135906, filed August 2, 1971. Applicant: MIDWEST LIVESTOCK, INC., South Main Street, Mount Victory, OH. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Buildings, complete, knock-down, or in sections, including all component parts, materials, supplies, accessories, and fixtures*, when shipped with such buildings, from the plantsite of Morton Builders, Inc., in Buck Township, Hardin County, Ohio, to points in Ohio, Indiana, Michigan, Pennsylvania, New Jersey, New York, West Virginia, Virginia, North Carolina, South Carolina, Maryland, Kentucky, Tennessee, and Georgia; and (b) *Materials, supplies, and equipment*, used in the manufacture of buildings, from points in the States shown in (1) above, to the plantsite of Morton Buildings, Inc., Buck Township, Hardin County, Ohio, under contract with Morton Buildings, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135907, filed August 3, 1971. Applicant: E. EDUARDO MATOS, doing business as EL VIEJO SAN JUAN MOVING CO., 1226 Wheeler Avenue, Bronx, NY 10472. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* (including automobiles when shipped as personal effects) in containers, having a prior or subsequent movement by water, between points in that part of New York, N.Y., commercial zone as defined by the Commission in its *Fifth Supplemental Report in Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by section 203(b)(8) of the Act (exempt zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135908, filed August 6, 1971. Applicant: McFARLAND BROTHERS TRUCKING, INC., Post Office Box 108, Rural Route 5, Mount Vernon, OH 43050. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement vehicles* requiring the use of wrecker equipment, between points in Knox County, Ohio, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, West Virginia, Kentucky, Indiana, Illinois, Michigan, Tennessee, Maryland, Virginia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 135921, filed July 23, 1971. Applicant: HARCO TRUCKING CORPORATION, 2045 Vine Drive, Merrick, NY 11566. Applicant's representatives: Norman H. Harvey (same address as applicant) and Bernard Beitel, 122 West 42d Street, New York, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper* to be recycled, between points in Connecticut, New York, New Jersey, and Pennsylvania, under contract with Harmon Paper Stock Co., Inc.; Harmon Assoc. Corp.; Harmon Recycling Corp., and Gemini Paper Fibers Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Merrick, L.I., N.Y.

No. MC 135922, filed July 26, 1971. Applicant: WEST ACRES TRUCKING COMPANY, a corporation, 1222 West Acres Road, Joliet, IL 60435. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Beer, stout, ale, and malt liquor*, from St. Louis, Mo., to points in Will County, Ill., and (b) *empty containers*, on return, under a continuing contract with United Liquor & Beverage, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135926, filed August 2, 1971. Applicant: NORMAN WINSKY, doing business as WINSKY CARTAGE SERVICE, 27275 Mound Road, Warren, MI 48092. Applicant's representative: William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising signs and materials and supplies*, used in connection with the installation thereof, from Mount Clemens, Mich., to points in the United States (except Alaska and Hawaii); and *used, rejected, damaged and traded in signs and materials and supplies* used in connection with the installation thereof on return, under contract with Willey Sign Co. of Mount Clemens, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

MOTOR CARRIER OF PASSENGERS

No. MC 107583 (Sub-No. 50), filed July 28, 1971. Applicant: SALEM TRANSPORTATION CO., INC., 133-03 35th Avenue, Flushing, NY 11354. Applicant's representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, NY 11354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, in special and charter operations, between Atlantic City, Ventnor, Margate, Longport Borough, Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.J., on the one hand, and, on the other, Philadelphia, Pa., and the Philadelphia commercial zone as defined by the Commission, except points in New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., and Atlantic City, N.J.

No. MC 116165 (Sub-No. 5), filed August 10, 1971. Applicant: MURRAY HILL LIMOUSINE SERVICE, LTD., 1380 Barre Street, Montreal, Canada. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between the international

boundary at or near Champlain, N.Y., and New York, N.Y., with service to the intermediate and off-route points of Plattsburgh, Lake George, Glens Falls, Saratoga Springs, and Albany, N.Y., and Paramus, N.J.: From the international boundary line at or near Champlain, N.Y., over U.S. Interstate Highway 87 to junction Garden State Parkway, thence over Garden State Parkway to junction New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel, thence through said Lincoln Tunnel to New York, N.Y., and return over the same route, restricted to the transportation of passengers and their baggage moving in foreign commerce originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montreal, Quebec, Albany, and New York, N.Y.

No. MC 117215 (Sub-No. 3), filed July 27, 1971. Applicant: LEO RAYMOND BOUFFARD, 88 Arlington Avenue, Warren, RI 02885. Applicant's representative: Frank Daniels, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling for the purpose of participating in games commonly referred to as beano and bingo games, (1) between New Bedford, Mass., and East Providence, R.I.; (2) between Wareham, Mass., and East Providence, Cranston, and Providence, R.I.; and (3) between Fall River, Mass., and East Providence and Cranston, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 118848 (Sub-No. 13), filed July 26, 1971. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07002. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the borough of Brooklyn, N.Y., and the borough of Richmond, N.Y., serving all intermediate points in the borough of Brooklyn, N.Y., restricted to the transportation of passengers between the borough of Brooklyn, N.Y., on the one hand, and, on the other, the borough of Manhattan, N.Y.: From junction of 68th Street and Narrows Avenue, in the borough of Brooklyn, N.Y., over 68th Street to junction with Shore Road, thence over Shore Road to junction with 4th Avenue, thence over 4th Avenue to junction with 92d Street, thence over 92d Street to the Verrazano-Narrows Bridge, thence over the Verrazano-Narrows Bridge to the Staten Island Expressway, in the borough of Richmond, N.Y., thence over the Staten Island Expressway to Goethals Bridge, and return over the same route. NOTE: Applicant states it proposes to tack the authority sought at Goethals Bridge with its existing authority in its lead docket, No. 118848 Sub-4 and subs thereto, so as to provide service between Brooklyn and the Port of Authority Bus Terminal in Manhattan via, the borough of Richmond, the New Jersey Turnpike and the Lincoln Tunnel. Applicant holds contract carrier authority under MC 125330 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Staten Island or New York, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130152, filed August 6, 1971. Applicant: HERBITS TRAVEL SERVICE, INC., 10 Bank row, Pittsfield, MA. For a license (BMC-5) to engage in operations as a broker at Pittsfield, Mass., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning and ending at points in Berkshire County, Mass., and extending to points in the United States.

APPLICATION FOR WATER CARRIER

No. W-406 (Sub-No. 11) (OHIO BARGE LINE, INC., EXTENSION—UPPER MISS. RIVER), filed August 19, 1971. Applicant: OHIO BARGE LINE, INC., Post Office Box 126, Dravosburg, PA 15034. Applicant's representative: M. S. Toon (same address as applicant). By application filed August 19, 1971, applicant seeks revision of its Permit No. W-406 to cover the following proposed changes in routes: To add to Permit W-406 authority to transport all commodities now listed in Permit W-406 over additional routes, as follows: (1) Between ports and points located on the Upper Mississippi River, from Cairo, Ill., to the head of navigation at Minneapolis Upper Harbor, Minn.; the Illinois Waterway (including points in Northern Indiana by way of Lake Michigan); and the Tennessee River from Paducah, Ky., to its source at the confluence of the Holston and French Broad Rivers; and (2) between ports and points specified in (1), on the one hand, and, on the other hand, ports and points which applicant is presently authorized to serve pursuant to its Corrected Eighth Amended Permit W-406, which reads as follows: (1) Iron and steel articles, blocking, cement, coke and coke breeze or dust, ferro manganese, fire clay, fluorspar, pig iron, pig tin, scrap iron or steel, slag, spraying oil, spiegeleisen, sulphate of ammonia, sulphur, tin or terne plate, new barges, derrick boats, construction and erection material and equipment, false work, and lock gates, between ports and points along the Monongahela, Ohio, Cumberland and Kanawha Rivers, the Mississippi River below its junction with the Ohio River, the Gulf Intracoastal Waterways, the Kentucky River below and including Beattyville, Ky., and between ports and points along the Arkansas-Verdigris Waterway project below and including Catoosa, Okla.,; and between ports and points along the Arkansas-Verdigris Waterway project below and including Catoosa, Okla., on the one hand, and, on the other, ports and points along the Monongahela, Ohio, Cumberland and Kanawha Rivers, the Mississippi River below its junction with the Ohio River, the Gulf Intracoastal Waterways, the Kentucky River below and including Beattyville, Ky., and the Port Allen section of the Gulf Intracoastal Waterway; (2) coal between ports and points along the Ohio and Monongahela River; and between points and ports along the Arkansas-Verdigris Waterway project below and including Catoosa, Okla., on the one hand, and, on the other, ports and points along the Ohio and Monongahela Rivers; and (3) of manganese ore from Mobile, Ala., and New Orleans, La., to ports and points along the Ohio and Monongahela Rivers; and between ports and points along the Arkansas-Verdigris Waterway project below and including Catoosa, Okla., on the one hand, and, on the other, Mobile, Ala., and New Orleans, La.

APPLICATION FOR FREIGHT FORWARDERS

No. FF-64 (Sub-No. 2) (PITTSBURGH STORES FAST FREIGHT EXTENSION—BALTIMORE), filed August 16, 1971. Applicant: I. J. SHEER and J. A. FELDMEIER, a partnership, doing business as PITTSBURGH STORES FAST FREIGHT, 711 Penn Avenue, Pittsburgh, PA 15222. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad or motor vehicle in the transportation of: *General commodities*, from Baltimore, Md., to points in Allegheny, Beaver, Butler, Washington, Fayette, Westmoreland, Lawrence, and Mercer Counties, Pa., restricted to import traffic.

No. FF-96 (Sub-No. 3) (NEW ENGLAND FORWARDING COMPANY, INC., EXTENSION — Import-Export) (2), filed August 25, 1971. Applicant: NEW ENGLAND FORWARDING COMPANY, INC., 2121 91st Street, North Bergen, NJ 07047. Applicant's representative: William J. Lippman, Suite 960, Federal Bar Building, West, 1819 H Street NW., Washington, DC 20006. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit authorizing applicant to extend operation as a freight forwarder in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water and motor vehicles, in the transportation of: *General commodities*, between points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, on the one hand, and, on the other, all ports located on the Atlantic and Gulf Coasts of the United States, and U.S. Great Lakes ports, restricted to the transportation of export and import traffic.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 128798 (Sub-No. 2), filed August 9, 1971. Applicant: GALASSO TRUCKING, INC., 8 Kilmer Road,

Larchmont, NY 10538. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt by department stores, and in connection therewith, *materials, supplies, and equipment* used in the conduct of such business, between New York, N.Y., and Jenkintown (Montgomery County), Pa., Short Hills (Morris County), and Hackensack (Bergen County), N.J., also between points in Philadelphia, Montgomery, Bucks, and Chester Counties, Pa., and Bergen, Camden, Glouster, Burlington, Morris, and Mercer Counties, N.J., restricted against the transportation of commodities in bulk, under contract with Bloomingdale Bros., a division of Federated Department Stores, Inc.

By the Commission.

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

[FR Doc.71-13241 Filed 9-9-71;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RICHARD J. BURGESS

Notice of Granting of Relief

Notice is hereby given that Richard J. Burgess, Rural Delivery No. 1, Meshoppen, 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 May 26, 1969, in Wyoming County, Pa., Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard J. Burgess because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard J. Burgess to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard J. Burgess' application and:

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

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

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

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

[SEAL] WILLIAM H. LOEB, *Acting Commissioner of Internal Revenue.*

[FR Doc.71-13346 Filed 9-9-71;8:53 am]

JOHN M. CAHILL

Notice of Granting of Relief

Notice is hereby given that John M. Cahill, 12711 Westwood Lane, Omaha, NE, 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 1, 1962, by the District Court of Pottawattamie County, 15th Judicial District, Council Bluffs, Iowa, and on April 19, 1962, by the Municipal Court of Council Bluffs, Iowa, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John M. Cahill 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 John M. Cahill to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John M. Cahill'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 John M. Cahill 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 30th day of August 1971.

[SEAL] WILLIAM H. LOEB, *Acting Commissioner of Internal Revenue.*

[FR Doc.71-13347 Filed 9-9-71;8:53 am]

MERLE MARIE COOK

Notice of Granting of Relief

Notice is hereby given that Merle Marie Cook, 827 Chicago Avenue South, Minneapolis, MN, 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 1, 1962, in the District Court, Minneapolis, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Merle M. Cook because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Merle M. Cook to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Merle M. Cook's application and:

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

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

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

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

[SEAL] WILLIAM H. LOEB, *Acting Commissioner of Internal Revenue.*

[FR Doc.71-13348 Filed 9-9-71;8:53 am]

STANLEY ELIEL DENISON

Notice of Granting of Relief

Notice is hereby given that Stanley Eliel Denison, 7447 North Avenue, Middleton, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 7, 1949, in the District Court of Iowa, in and for Greene County, at Jefferson, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Stanley E. Denison 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 Stanley E. Denison to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Stanley E. Denison'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 Stanley E. Denison be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

[SEAL] WILLIAM H. LOEB,
Commissioner of Internal Revenue.

[FR Doc.71-13349 Filed 9-9-71;8:53 am]

LABON W. HALL

Notice of Granting of Relief

Notice is hereby given that Labon W. Hall, 1614 Confederate Avenue, Richmond, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on or about May 28, 1954, at Andrews Air Force Base, Md., and on or about December 5, 1966, by the U.S. District Court, in and for the Eastern Judicial District of Virginia, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Labon W. Hall 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 Labon W. Hall to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Labon W. Hall'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 Labon W. Hall 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 31st day of August 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13350 Filed 9-9-71;8:53 am]

NEIL SHERMAN HALL

Notice of Granting of Relief

Notice is hereby given that Neil Sherman Hall, 1750 Hiawatha Avenue, Stockton, CA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 16, 1959, in the Superior Court, Stanislaus County, Modesto, Calif., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Neil Sherman Hall 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 Neil Sherman Hall to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Neil Sherman Hall'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 Neil Sherman Hall be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13351 Filed 9-9-71;8:53 am]

JAMES HERSCHEL HENDERSON

Notice of Granting of Relief

Notice is hereby given that James Herschel Henderson, 6037 Transylvania Avenue, Jacksonville, FL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 12, 1947, in the Circuit Court, Clay County, Fla., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James H. Henderson 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), be-

cause of such conviction, it would be unlawful for James H. Henderson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James H. Henderson'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 H. Henderson 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 30th day of August 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13352 Filed 9-9-71;8:53 am]

GARY WAYNE MOTLEY

Notice of Granting of Relief

Notice is hereby given that Gary Wayne Motley, 1790 Northeast Juniper Street, Gresham, OR, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 9, 1963, in the Circuit Court for the State of Oregon, in and for the County of Multnomah, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gary Wayne Motley 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 Gary Wayne Motley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gary Wayne Motley'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 Gary Wayne Motley 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 27th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-13353 Filed 9-9-71;8:53 am]

GARY ROGER MURPHY

Notice of Granting of Relief

Notice is hereby given that Gary Roger Murphy, 1373 North 25th Street, Grand Junction, CO, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 19, 1967, in Mesa County District Court, Grand Junction, Colo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gary R. Murphy 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 Gary R. Murphy to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gary R. Murphy'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 Gary R. Murphy 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 30th day of August 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13354 Filed 9-9-71;8:54 am]

DAVID EDWARD ROLLINS

Notice of Granting of Relief

Notice is hereby given that David Edward Rollins, 30557 55th Avenue South, Auburn, 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 March 1, 1954, in the Superior Court of Pierce County, State of Washington, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for David Edward Rollins because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for David Edward Rollins to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered David Edward Rollins' application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That David Edward Rollins 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 30th day of August 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13355 Filed 9-9-71;8:54 am]

ARMAN EUGENE SMITH

Notice of Granting of Relief

Notice is hereby given that Arman Eugene Smith, 200 Irene Street, Roseville, CA, 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 14, 1937, in the U.S. District Court, Tacoma, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Arman Eugene Smith 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, until 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 Arman Eugene Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Arman Eugene Smith'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 Arman Eugene Smith 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 27th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-13356 Filed 9-9-71;8:54 am]

JOHN FRANKLYN SMITH

Notice of Granting of Relief

Notice is hereby given that John Franklyn Smith, 229 West Harvard Street, Shelton, 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 June 5, 1962, in the Superior Court of Mason County, Wash., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Franklyn Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Franklyn Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Franklyn Smith's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That John Franklyn Smith 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 27th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-13357 Filed 9-9-71;8:54 am]

HARRY FRANKLIN THEIS

Notice of Granting of Relief

Notice is hereby given that Harry Franklin Theis, 8954 East Lacey Boulevard, Hanford, CA, 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 22, 1956, in U.S. District Court for the Southern District of California, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry Theis because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry Theis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry Theis' application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Harry Theis 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 30th day of August 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13358 Filed 9-9-71;8:54 am]

DONALD J. TOSCANO

Notice of Granting of Relief

Notice is hereby given that Donald J. Toscano, Route 5, Box 263, Staunton, 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 convictions on May 11,

1948, in Cuyahoga Court of Common Pleas, Cleveland, Ohio, March 1, 1962, in Hustings Court, Part II, Richmond, Va., and March 22, 1962, in Chesterfield County, Va., Circuit Court, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald J. Toscano 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 Donald J. Toscano to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald J. Toscano's application and:

(1) I have found that the conviction was 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 Donald J. Toscano 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 1st day of September 1971.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

[FR Doc.71-13359 Filed 9-9-71;8:54 am]

ROGER LACY WHORLEY

Notice of Granting of Relief

Notice is hereby given that Roger Lacy Whorley, Route 4, Stuart, 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 convictions on May 5, 1952 and November 9, 1964, each in the U.S. District Court for the Western District of Virginia, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Roger L. Whorley 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 Roger L. Whorley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Roger L. Whorley'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 Roger L. Whorley 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 27th day of August 1971.

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.71-13360 Filed 9-9-71;8:54 am]

DEPARTMENT OF DEFENSE

Department of the Army

[Interchange Order 2]

LIBBY DAM AND RESERVOIR, MONT.

Joint Order Interchanging Administrative Jurisdiction of Certain Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, set forth below, which lands are within the exterior boundaries of the Kootenai National Forest, Mont., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to granting of a right-of-way easement to the State of Montana for relocated State Highway 37 and subject to interests outstanding in third parties and to such continued use by the Corps of Engineers as is necessary for the protection and unrestricted operation, maintenance, and administration of the water storage, electric power generation, and flood control facilities and functions of the Libby Dam and Reservoir.

(2) The National Forest lands described in Exhibit B, set forth below, which are a part of the Kootenai National Forest, Mont., are hereby transferred to the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and such rights of access as are necessary for National Forest purposes.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Libby Dam and Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date. This order will be effective as of date of publication in the FEDERAL REGISTER (9-10-71).

CLIFFORD M. HARDIN,
Secretary of Agriculture.

JULY 20, 1971.

ROBERT F. FROEHLKE,
Secretary of the Army.

JULY 6, 1971.

EXHIBIT A

LAND TRANSFERED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Those lands under the jurisdiction of the Department of the Army for or in connection with the Libby Dam and Reservoir in Montana, being more particularly described in two parts as follows:

Part I. All of the following tracts as shown on the indicated map segments:

Segment 1 (latest revision dated Aug. 21, 1969) Tract 100, 61.33 acres.
Segment 34 (latest revision dated Aug. 26, 1969) Tract 3401, 7.50 acres; Tract 3403, 131.51 acres.
Segment 36 (latest revision dated Oct. 15, 1970) Tracts 3606-1, 64.04 acres; 3610, 44.96 acres; 3611, 34.40 acres.
Segment 39 (latest revision dated Jun. 17, 1970) Tract 3901-1, 1,499.24 acres (see Segments 56, 57, 58, and 59).
Segment 56 (latest revision dated Oct. 3, 1969) Tract 3901-1 (see Segment 39).
Segment 57 (latest revision dated Apr. 7, 1970) Tract 3901-1 (see Segment 39).
Segment 58 (latest revision dated Feb. 4, 1970) Tracts 3901-1 (see Segment 39); 5809, 495.36 acres; 5810-1, 27.55 acres.
Segment 59 (latest revision dated Aug. 20, 1969) Tracts 3901-1 (see Segment 39); 3901-3, 160 acres (see Segment 60); 5901-C, 0.01 acre; 5902, 220 acres (see Segment 60); 5903, 160 acres (entire segment).
Segment 60 (latest revision dated Aug. 20, 1969) Tracts 3901-3 (see Segment 59); 5902 (see Segment 59); 6002, 380 acres (entire segment).

Part II: All of that portion of Tract 3402-1, Segment 34 (latest revision dated Aug. 26, 1969), lying easterly and southerly of the east

right-of-way line of the Burlington Northern Railroad, 91.88 acres.

All lands transferred herein consist of 3,377.78 acres, more or less. Real Estate Segment Maps depicting the locations of the transferred tracts and legal descriptions are on file in the Office of the District Engineer, U.S. Army Corps of Engineers, Seattle, Wash., and the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

EXHIBIT B

LAND TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Segment 2 (latest revision dated Feb. 2, 1970) portion of Tract A, described as follows:

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 29 W., sec. 4, lot 4; lot 6; southeast quarter of the northwest quarter.

All lands transferred herein consist of 82.07 acres, more or less. Real Estate Segment Maps depicting the locations of the transferred tracts and legal descriptions are on file in the Office of the District Engineer, U.S. Army Corps of Engineers, Seattle, Wash., and the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

[FR Doc.71-13342 Filed 9-9-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, NEW MEXICO STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d, the Chief, Division of Management Services, State Office, Chief, Branch of Administrative Management, State Office, Administrative Officer, State Office, District Managers, and Chief, Division of Administration in each District Office, are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources, and

3. To enter into negotiated contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds $2,500.

B. Under the above-mentioned delegation of authority, Cadastral Survey Party Chiefs are authorized to enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $100: *Provided*, That the requirement is not available from established sources.

W. J. ANDERSON,
State Director.

[FR Doc.71-13274 Filed 9-9-71;8:46 am]

SUPPLY OFFICER AND PURCHASING AGENT, DIVISION OF BASE OPERATIONS, BOISE INTERAGENCY FIRE CENTER

Delegation of Authority Regarding Contracts and Leases

SEPTEMBER 3, 1971.

Supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2c, the Supply Officer, Division of Base Operations, Boise Interagency Fire Center; and Purchasing Agent, Division of Base Operations, Boise Interagency Fire Center, are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources.

B. The Supply Officer and the Purchasing Agent may not redelegate the authority granted above.

JACK F. WILSON,
BLM Director—BIFC.

[FR Doc.71-13304 Filed 9-9-71;8:49 am]

[Bureau Order 701, Amdt. 13]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

1. Paragraph (d), subparagraph (1) of paragraph (h), and paragraph (l) of section 1.2 are amended to read as follows:

SEC. 1.2 *General and miscellaneous matters.* * * *

(d) *Gifts.* (1) Accept as a gift, on behalf of the United States any lands where such action will promote the purposes of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U.S.C. section 315g).

(2) Accept on behalf of the United States any lands or interest in lands where such action will promote the purpose of the Wild and Scenic Rivers Act (82 Stat. 906), or the National Trails System Act (82 Stat. 919).

* * * * *

(h) *Cooperative agreements.* (1) Enter into cooperative agreements involving the improvement, management, use, and protection of the public lands and their resources under his jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1363). Enter into cooperative agreements under sections 2, 9, and 12 of the Act of June 28, 1934 (43 U.S.C. 315 et seq.) and under the Act of March 29, 1928 (45 Stat. 380). Enter into cooperative agreements for the acquisition of lands or interest in lands under section 10(e) of the Wild and Scenic Rivers Act (82 Stat. 906) and under section 7(d) of the National Trails System Act (82 Stat. 919).

* * * * *

(l) *Acquisition of lands or interest in lands.* Act on matters involving the acquisition of lands or interest in lands under the Federal Highway Act of 1962 (76 Stat. 1145), the Act of July 26, 1955 (69 Stat. 374), the Wild and Scenic Rivers Act (82 Stat. 906), the National Trails System Act (82 Stat. 919), and the Uniform Relocation Assistance, and Land Acquisition Policies Act (84 Stat. 1894), including purchases, but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to public lands subject to the above acts.

2. A new paragraph (3) is added to section 1.3(b) as follows:

SEC. 1.3 *Fiscal affairs.* * * *

(b) *Contributions, donations and refunds.* * * *

(3) Accept contributions for use in connection with the administration of the national wild and scenic rivers system pursuant to section 6(f) of the Act of October 2, 1968 (82 Stat. 906), and for the purchase of lands or interest in lands pursuant to section 7(d) of the National Trails System Act of October 2, 1968 (82 Stat. 919).

3. Paragraph (l) of section 3.2 is amended to read:

SEC. 3.2 *General and miscellaneous matters.* * * *

(l) Acquisition of lands or interest in lands.

GEORGE L. TURCOTT,
Acting Associate Director.

SEPTEMBER 3, 1971.

[FR Doc.71-13275 Filed 9-9-71;8:46 am]

LAS VEGAS DISTRICT OFFICE, NEVADA

Change of Office Location and Mailing Address

SEPTEMBER 3, 1971.

1. Notice is hereby given that the mailing address of the Las Vegas District Office of the Bureau of Land Management is hereby changed effective Monday, September 13, 1971. New office location and mailing address from that date forward will be U.S. Department of the Interior, Bureau of Land Management, 301 East Stewart Avenue, Room 301, Post Office Box 3, Las Vegas, NV 89101. The telephone number has also been changed and is now (Area Code 702) 385-6403.

NOLAN F. KEIL,
State Director, Nevada.

[FR Doc.71-13303 Filed 9-9-71;8:49 am]

[ES 7048]

OHIO

Notice of Proposed Withdrawal and Reservation of Land

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, ES 7048, for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws and mineral leasing laws.

The applicant desires the land as an addition to the West Sister Island National Refuge for use as a refuge for migratory birds and other wildlife.

The land involved in the application is:

MICHIGAN MERIDIAN

T. 9 S., R. 11 E.,
Tract 37, 3 acres in the southwest part; more particularly described as that part of West Sister Island, in Lake Erie, Lucas County, Ohio, lying west of a line bearing north and south through a point which is east 200 feet distance from the center of the West Sister Island Lighthouse Tower at approximately latitude 40°44'13" N., and longitude 83°06'38" W.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Springs, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

DORIS A. KOIVULA,
Manager.

SEPTEMBER 3, 1971.

[FR Doc.71-13327 Filed 9-9-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Interchange Order 2]

LIBBY DAM AND RESERVOIR, MONT.

Joint Order Interchanging Administrative Jurisdiction of Certain Lands

CROSS REFERENCE: For a document issued jointly by the Department of Defense and the Department of Agriculture regarding interchange of administrative jurisdiction of certain lands, see F.R. Doc. 71-13342, Department of Defense, *supra*.

DEPARTMENT OF COMMERCE

Office of Import Programs

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00277-33-90000. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, PA 15213. Article: Rotating anode X-ray unit, Model GX6. Manufacturer: Elliot Automation Radar Systems, Ltd., United Kingdom.

Intended use of article: The article will be used for research on the molecular structure of biological membranes. X-ray diffraction patterns of biological membranes will be recorded during which time the membranes will be maintained in a living condition.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a small (0.1 x 1 millimeter) focused spot and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 19, 1971, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13305 Filed 9-9-71;8:49 am]

CITY OF HOPE NATIONAL MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00254-33-46040. Applicant: City of Hope National Medical Center, 1500 East Duarte Road, Duarte, CA 91010. Article: Electron microscope, Model HS-8-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used primarily to investigate the structure of chromosomes of higher organisms utilizing the whole mount electron microscopy technique.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 15, 1970).

Reasons: The foreign article is equipped with a multispecimen holder which can hold up to six specimens. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and is currently being supplied by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 12, 1971, that the multiple specimen holder of the foreign article is pertinent to the applicant's research studies. HEW further advises that the EMU-4B does not have an equivalent multiple specimen holder. We, therefore, find that the EMU-4B was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13306 Filed 9-9-71;8:49 am]

LOUISIANA STATE UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00308-33-46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, LA 70112. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for sectioning tissues for studies to view connections between cells during organogenesis. Other projects involve the study of crystalline material in hard tissues in normal and abnormal cartilage; and the use of tissues from animals treated with radioisotopes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of March 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies involving intercellular connections, crystalline materials in tissue or cartilage and radioisotopes in subcellular organelles, wherein long series of ultrathin sections that are uniform within ±5 angstroms in thickness are required.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13307 Filed 9-9-71;8:49 am]

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00328-65-46070. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: Scanning electron microscope, Model JSM-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article will be used in a wide variety of research and teaching applications concerned with asphalts and concretes, ceramics, composites, metals, minerals and rocks, polymers, solid state electronic devices, textiles, wood and wood products, and a broad range of biological specimens.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 29, 1969).

Reasons: The foreign article is equipped with a rapid TV-scan attachment which provides a picture having a continuous motion instead of the interrupted motion provided by the conventional mode of presentation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 5, 1971, that the characteristic of the article described above is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable domestic instrument which provided this pertinent capability at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13308 Filed 9-9-71;8:49 am]

PRINCETON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00382-33-46500. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, NJ 08540. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used in a wide range of studies of biological materials such as viruses, bacteria, protein macromolecules, protozoa, and normal and cancer tissue culture cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of May 21, 1971, that a wide range of cutting speeds in excess of 4 mm./sec. are pertinent to the need for highly oriented ultrathin sections in series required in the applicant's research studies of protozoan mitochrondria and localization of dipicolinate macromolecules within bacterial spores. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00170-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13309 Filed 9-9-71;8:49 am]

SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00410-33-46500. Applicant: Sloan-Kettering Institute for Cancer Research, 425 East 68th Street, New York, NY 10021. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The research project for which the article is intended to be used will be an integrated study of virus-infected cells correlating morphological events with physical, chemical and biochemical changes occurring within these cells. The biological materials to be studied are highly purified samples of cytocidal and tumorigenic viruses containing RNA; and samples of whole cells or subcellular fractions from mammalian or avian cells infected either with cytocidal or tumorigenic viruses containing RNA.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of May 14, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the production of the uniform serial sections of the soft virus-infected tissue cultured cells encountered in the applicant's studies involving ultrastructural changes in cells infected with cytocidal and tumorigenic viruses including electron microscopical autoradiography to determine the fate of the inoculum virus particle. HEW cites as a precedent its prior recommendation relating to Docket No. 71-00001-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13310 Filed 9-9-71;8:49 am]

UNIVERSITY OF CONNECTICUT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00465-33-46500. Applicant: The University of Connecticut, Storrs, Conn. 06268. Article: Three each LKB 8800A ultramicrotomes and accessories. Manufacturer: LKB Produkter A.B., Sweden.

Intended Use of Article: The article will be used for studies dealing with the fine structure of nervous tissue from the cerebellum of developing and adult animals, normal and operated. One of the major projects is the study of the maturation of intercellular contacts and synaptic membranes, as well as their reaction to axonal degeneration at different stages of maturation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of July 16, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the uniform ultrathin serial sectioning of the soft embryonic nervous tissue encountered in the applicant's studies. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00639-33-46500 which conforms in many particulars to the captioned application.

We, therefore, find that the Model MT-TB ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13311 Filed 9-9-71;8:50 am]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00363-33-43780 Applicant. University of Pennsylvania, School of Medicine, Department of Anesthesia, 3400 Spruce Street, Philadelphia, PA 19104. Article: Electrical stimulator, syringe injectors, transducer mount, and solenoid valves automating drug assay by guinea pig smooth muscle preparation. Manufacturer: Oxford University, Department of Pharmacology, United Kingdom.

Intended use of article: The article will be used for the observation of the response of an injected dose of stimulating drug. It is specifically designed to automate the study of synaptic pharmacology of the isolated innervated guinea pig smooth ileal muscle preparation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article was specifically designed to perform the particular experimental procedure to be used by the applicant. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 20, 1971, that this characteristic of the article is pertinent to the applicant's intended purposes. HEW further advises that no comparable article is known to be domestically available.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13312 Filed 9-9-71;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, ALBANY, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00432-33-46500. Applicant: Veterans Administration Hospital, 112 Holland Avenue, Albany, NY 12208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended Use of Article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary use of the instrument will be the study of responses to axon section of neurons which project to the periphery (central chromatolysis) and which give rise to processes beginning and terminating within the central nervous system (retrograde neuronal atrophy or degeneration).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron miscroscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting

speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of June 11, 1971, that cutting speeds in excess 4 mm./sec. are pertinent to the need for long series of ultrathin serial sections of uniform thickness required in the applicant's research study of subcellular organelles and the nature of glial-neuron interactions. HEW cites as a precedent its prior recommendation relating to Docket No. 70-00639-33-46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13313 Filed 9-9-71;8:50 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00364-01-90000. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Rotating anode X-ray generator, Model GX-6. Manufacturer: Elliot Automation Radar Systems, Inc., United Kingdom.

Intended Use of Article: The article will be used for research concerning purified enzyme including hexokinase and alkaline phosphatase and membranes, detailed structure of pure material and complexes with substrate analogs, and for X-ray diffraction of crystals of pure materials and complexes. Educational purposes include courses in Molecular Biophysics and Biochemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a small focused spot and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 20, 1971, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-13314 Filed 9-9-71;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23719; Order 71-9-34]

AMERICAN AIRLINES, INC., AND TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of September 1971.

By tariffs marked to become effective October 1, 1971,[1] American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA), propose to establish a round-trip family dependent fare of $99 in a number of major transcontinental markets.[2] The fares have a 4-day maximum-stay limitation and the family unit must travel together in both directions. American has limited its proposal to the period October 1 through December 10, 1971, whereas TWA's proposal extends from October 1, 1971, through May 31, 1972, with black outs during the Christmas/New Year and Easter holiday periods.

In support of its proposal, American alleges that one of the most pressing problems facing transcontinental carriers today is the seasonality of travel, and that at present there is no satisfactory solution since it is unrealistic to expect the public, especially families, to postpone summer vacation travel. The carrier believes that its proposal provides a substantial incentive for business travelers to take along family members who would otherwise remain at home. American asserts that generation of only 11 new passengers per day is needed to offset diversion from other services, and that this is the equivalent of less than 4 percent of total family travel in the markets involved based on October and November 1970 experience.

TWA asserts that its surveys indicate that less than 1 percent of the passengers in the markets involved are wives accompanying husbands, while nearly 30 percent of transcontinental passengers staying less than 5 days are traveling alone. It estimates that its proposal will generate 18,000 round-trip passengers during the 8 months of the fare's applicability, under the assumption that 15 percent of those now traveling alone and staying less than 5 days will take their spouses along.

Northwest Airlines, Inc. (Northwest), has filed a complaint against the proposals, alleging that the fares are unreasonably low and represent a fare reduction device which, if allowed to spread, will undermine the general fare increase recently found necessary. It also alleges that the diversion estimates are understated and the generation estimates are overstated, and that suspension of the proposals until completion of the Domestic Passenger-Fare Investigation, especially the Discount Fare Phase, would maintain a semblance of order in the present fare structure.

American has answered the complaint, alleging that Northwest has produced nothing specific that casts doubt on the accuracy of its generation/diversion estimates. It asserts that the 4-day maximum-stay limitation is so substantially different from other more generally available discount fares that a comparison is meaningless. Further, American states that it does not believe that the Board's decision earlier this year to permit a general fare increase was intended to prohibit appropriate promotional-fare experimentation and that it is confident that the proposed fares will be generative and fill otherwise empty seats during the off-season.

TWA has answered Northwest's complaint by alleging that the fears expressed concerning the dilution aspects of the fare are vastly overstated. It alleges that there is little likelihood of adverse effects from the fare due to the restrictions on its use and the short duration of the experiment.

Upon consideration of all relevant matters, the Board finds that the com-

[1] American's Tariff CAB No. 258 and TWA's Tariff CAB No. 242 (TWA's Tariff is marked to become effective Sept. 20, 1971, but the fares cannot be used until Oct. 1).

[2] Between Boston, New York, Philadelphia, and Baltimore/Washington on the one hand, and Los Angeles and San Francisco on the other for both carriers. American would also apply the fares at Providence and Hartford on the East Coast, and San Diego and Palm Springs on the West Coast.

plaint does not set forth facts sufficient to warrant investigation. The request therefor, and consequently the request for suspension, will be denied, and the complaint dismissed.[3]

Earlier this year the Board suspended a similar fare primarily because of considerable question as to whether or not it would be sufficiently generative of new as opposed to diverted traffic. That proposal, however, permitted stays of up to 14 days at destination. Here the allowable stay is limited to 4 days, and we believe this factor weighs heavily in favor of the proposed fares. This limitation should significantly reduce the risk of diversion from higher-fare services since, as American indicates, a relatively small percent of present family fare travel in transcontinental markets limits its stay to such a short period. On the other hand, the relatively strong fare inducement may well generate a considerable amount of traffic which would not otherwise travel. Nevertheless, we will expect the carriers offering this fare to bear the risk of the experiment, and we do not intend to treat any dilution of the fare yield which may result as furnishing a basis for future increases in the level of basic fares. We will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. Such reports are to be filed within 30 days following expiration of the respective tariffs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of Northwest Airlines, Inc., in Docket 23719 is dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-13321 Filed 9-9-71;8:51 am]

[Docket No. 23723; Order 71-9-22]

EASTERN AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of September 1971.

By tariff revisions marked to become effective September 5, 1971,[1] Eastern Air Lines, Inc. (Eastern), proposes to establish round-trip weekend fares in thrift (third class) service between 12 points in the United States and San Juan. The fares apply for travel originating on Friday with return the following Monday. Reservations may not be made earlier than 14 days prior to the date of departure. The proposed round-trip fares are $100 from Baltimore/Washington, Boston, Hartford, Philadelphia, and New York and $125 from Atlanta, Buffalo, Chicago, Cleveland, Detroit, and St. Louis. The discounts range from 30 to 50 percent and the fares are marked to expire December 15, 1971.

In justification of its proposal, Eastern alleges that existing excursion fares in the San Juan market are not sufficient to solve the problem of the full slump for while the people who can take their regular vacation during the fall would be attracted to a 7-day minimum stay excursion fare, this period is not the most preferred by vacationers. The carrier contends that a promotional fare which generates weekend or additional discretionary travel is needed, and asserts that the instant proposal will be highly generative. Eastern expects to generate approximately 10,700 additional passengers and realize a net revenue increase of over $470,000.

Pan American World Airways, Inc. (Pan American), has filed a complaint against Eastern's proposal[2] requesting its investigation and suspension. Pan American alleges that because of the present very low San Juan fare structure, both basic and promotional, Eastern has greatly overstated its generation estimate. The carrier also doubts that Eastern's claim that it can accommodate all its forecast weekend excursion traffic without any additional capacity.

In answer to the complaint Eastern alleges that the low rate per mile of the existing basic fare structure is irrelevant since the factor of significance in terms of generative effect is the size of the discount offered and it believes the discounts afforded by its proposal will be very attractive. It further contends that fall weekend load factors in the San Juan market are low and demonstrate the need for a promotional fare which will assist in filling empty seats.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation. The request therefor, and consequently the request for suspension, will be denied, and the complaint dismissed.

In view of today's conditions (a general reluctance of the public to travel by air, underutilization of capacity, etc.), the historic decline in traffic during the fall period in the San Juan market, and the generally low Friday-Monday load factors experienced, we will permit the limited experiment proposed. We believe it is unlikely that traffic utilizing this fare will be so great as to create pressure to add capacity—a result which would be inherently uneconomic. Nevertheless, we will expect the carriers offering this fare to bear the risk of the experiment, and we do not intend to treat any dilution of the fare yield which may result as furnishing a basis for future increases in the level of basic fares. We will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. Such reports are to be filed no later than January 14, 1972.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of Pan American World Airways, Inc., in Docket 23723 is dismissed; and

2. A copy of this order be served upon Eastern Air Lines, Inc., and Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-13322 Filed 9-9-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (21 CFR 420.8), Amchem Products, Inc., Ambler, Pa. 19002, has withdrawn its petition (PP 0F0941), notice of which was published in the FEDERAL REGISTER of February 26, 1970 (35 F.R. 3766), proposing establishment of a tolerance of 0.25 part per million for negligible residues of the plant regulator 2-(*m*-chlorophenoxy) propionic acid from application of the acid or of 2-(*m*-chlorophenoxy) propionamide in or on the raw agricultural commodity group stone fruit.

Dated: September 3, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-13317 Filed 9-9-71;8:50 am]

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[3] The issue of the lawfulness per se of family fares is included in Phase 5 of the Domestic Passenger-Fare Investigation, Docket 21866-5. In the event that the Board there concludes that such fares are unjustly discriminatory, the Board would take appropriate action looking toward the cancellation of the family fares embraced in the instant filing. Accordingly, our determination not to institute an investigation of these fares should not be construed as any prejudgment of the issues in Docket 21866-5.

[1] Revisions to Eastern Air Lines, Inc., Tariff CAB No. 326.

[2] American Airlines, Inc., and Pan American have filed fares matching Eastern's proposal.

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1190) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of tolerance (21 CFR Part 420) for negligible residues of an insecticide that is a mixture of 75 percent *m*-(1-methylbutyl)phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl) phenyl methylcarbamate in or on the raw agricultural commodities rice and rice straw at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure utilizing a pyrolysis furnace, which converts organic nitrogen to ammonia, and a microcoulometric hydrogen ion titration cell.

Dated: September 3, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-13318 Filed 9-9-71;8:50 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1180) has been filed by Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing establishment of tolerances (21 CFR Part 420) for the combined residues of the herbicide 2-(*sec*-butylamino)-4-ethylamino-6-methoxy-*s*-triazine and its metabolites 2-amino-4-(*sec*-butylamino)-6-methoxy-*s*-triazine, 2-amino-4-(3-hydroxy-*sec*-butylamino)-6-methoxy-*s*-triazine, 2-amino-4-ethylamino-6-methoxy-*s*-triazine, and 2,4-diamino-6-methoxy-*s*-triazine in or on the raw agricultural commodities fresh alfalfa or alfalfa hay at 2 parts per million and for negligible residues of the metabolite 2,4-diamino-6-methoxy-*s*-triazine in or on the raw agricultural commodities eggs, meat, milk, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 part per million.

The analytical method proposed in the petition for determining the herbicide and its metabolites is a gas chromatographic procedure utilizing a microcoulometric system specific for nitrogen detection.

Dated: September 3, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-13319 Filed 9-9-71;8:50 am]

FEDERAL MARITIME COMMISSION

SEAWISE FOUNDATIONS, INC., AND/OR ORIENT OVERSEAS LINE

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357 and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Seawise Foundations, Inc., and/or Chinese Maritime Trust Ltd. (Orient Overseas Lines), 80 Broad Street, Monrovia, Liberia.

Dated: September 3, 1971.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-13344 Filed 9-9-71;8:52 am]

SEAWISE FOUNDATIONS, INC., AND/OR ORIENT OVERSEAS LINE

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Seawise Foundations, Inc., and/or Chinese Maritime Trust Ltd. (Orient Overseas Line), 80 Broad Street, Monrovia, Liberia.

Dated: September 3, 1971.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.71-13345 Filed 9-9-71;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-251]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Petition to Amend

SEPTEMBER 2, 1971.

Take notice that on August 20, 1971, Consolidated Gas Supply Corp. (petitioner), 445 West Main Street, Clarksburg, WV 26301, filed in Docket No. CP71-251 a petition to amend the order of the Commission issued on July 2, 1971 (46 FPC _____), pursuant to section 7 (c) of the Natural Gas Act, by authorizing an increase in the volume of natural gas stored for Transcontinental Gas Pipe Line Corp. (Transco) for the current storage year, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of July 2, 1971, authorized, inter alia, the storage of up to 35,225,000 Mcf of natural gas by petitioner, for Transco, for the storage year beginning April 1, 1971. Petitioner proposes herein to increase the total volume of natural gas stored for Transco by 2,000,000 Mcf during the 1971 storage cycle in order that Transco might be able to render an equivalent increased storage service for one of its storage service customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13336 Filed 9-9-71;8:52 am]

[Docket No. RP72-15]

LONE STAR GAS CO.

Notice of Extension of Time

SEPTEMBER 1, 1971.

On August 27, 1971, Natural Gas Pipeline Company of America filed a request for an extension of time within which to file a petition to intervene or a protest in the above-designated matter. The request states that Lone Star Gas Co. concurs.

Upon consideration, notice is hereby given that the time is extended to and including September 24, 1971, within which petitions to intervene or protests may be filed by any person.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13337 Filed 9-9-71;8:52 am]

[Docket No. CP72-43]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 2, 1971.

Take notice that on August 25, 1971, Natural Gas Pipeline Company of

America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-43 an application pursuant to section 7(b) and section 7(c) of the Natural Gas Act for permission and approval to reduce by 4,000 Mcf per day the transportation of natural gas which applicant uses to make a direct sale to the New Jersey Zinc Co. (New Jersey Zinc), at its plant location in Depre, Bureau County, Ill., and for a certificate of public convenience and necessity authorizing applicant to transport and sell to its jurisdictional customers, 4,000 Mcf of additional natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, in accordance with New Jersey Zinc's request, applicant will reduce New Jersey Zinc's peak day delivery quantity by 4,000 Mcf per day. As a result of this reduction, applicant will have 4,000 Mcf of natural gas per day available for service to its existing resale customers. Therefore, applicant proposes to provide an increased contract demand of 4,000 Mcf per day to its resale customers, prorated on the basis of each customer's existing contract demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13338 Filed 9-9-71;8:52 am]

[Docket No. CP71-186]

PANHANDLE EASTERN PIPE LINE CO.

Order Setting Date for Formal Hearing Describing Procedures and Permitting Intervention

SEPTEMBER 2, 1971.

On January 18, 1971, Panhandle Eastern Pipe Line Co. (Panhandle), filed an application pursuant to section 7 of the Natural Gas Act for issuance of a certificate of public convenience and necessity authorizing the construction and operation of approximately 19.4 miles of 30-inch pipeline looping a portion of its Elk City line and a 5,000-hp compressor unit at its existing Alva, Okla., Compressor Station. Panhandle also requests authorization to upgrade a 6,500-hp compressor unit at its Seiling, Okla., Compressor Station to permit operation of this unit at levels up to 11,250 hp.

Panhandle states that the volumes of gas being transported through the Elk City line have progressively increased to the point where Panhandle is presently operating this system at full capacity. Panhandle contends that the need for the facilities herein proposed arises primarily from the further development of sources of supply presently connected to the Elk City line and from the anticipated connection of new gas reserves being developed in the immediate vicinity of the Elk City system.

Arkansas Louisiana Gas Co. (Arkla) filed a petition to intervene on February 16, 1971, and requested a formal hearing. In support of such request, Arkla states that Panhandle's application failed to disclose the need for the volumes of gas which Panhandle alleges would become available and also whether the proposed facilities would be economically justified. Arkla further states that the area from which Panhandle proposes to obtain additional supplies is the same area from which Arkla purchases gas to supply its customers in Oklahoma and also the same area from which it is obtaining additional supplies from its Anadarko Pipeline Project in Docket No. CP70-267. Arkla claims that the connection of new reserves by Panhandle might restrict its ability to supply the demands of its own customers.

In view of a supply emergency which appears to be confronting Panhandle's system we granted Panhandle temporary authorization to construct and operate the facilities involved in this docket by our letter order issued in this proceeding on July 14, 1971.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Panhandle Eastern Pipe Line's application in Docket No. CP71-186 ordered hereinafter.

(2) It is desirable to allow Arkansas Louisiana Gas Co. to intervene in this proceeding in order that it may establish the facts and law from which the nature and the validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Arkansas Louisiana Gas Co. is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting rights and interests expressly asserted in its petition to intervene: *And provided, further,* That its admission shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing on the issues presented by Panhandle Eastern Pipe Line Co.'s application in Docket No. CP71-186 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m., e.d.s.t., on September 28, 1971. The applicant shall file with the Commission and serve on the intervener, the Commission Staff and the Presiding Examiner its proposed direct presentation in support of its application, including the prepared testimony of witnesses and exhibits, on or before September 14, 1971.

(C) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13339 Filed 9-9-71;8:52 am]

[Docket No. CP72-45]

SEA ROBIN PIPELINE CO.

Notice of Application

SEPTEMBER 2, 1971.

Take notice that on August 26, 1971, Sea Robin Pipeline Co. (applicant), 1525 Fairfield Avenue, Shreveport, LA 71158, filed in Docket No. CP72-45 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing September 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connect-

ing to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $5 million, with no single project costing in excess of $1,250,000. Applicant states that these costs will be financed initially by short-term bank loans. Applicant requests a waiver of the requirements of § 157.7(b)(1) of the regulations under the Natural Gas Act because of the high costs for construction of natural gas facilities in offshore locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 27, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-13340 Filed 9-9-71;8:52 am]

FEDERAL RESERVE SYSTEM

EXCHANGE 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 Exchange Bancorporation, Inc., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of 51 percent or more of the voting shares of Bank of Osceola, Kissimmee, Fla.

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, September 3, 1971.

[SEAL] TYNAN SMITH,
Secretary.

[FR Doc.71-13265 Filed 9-9-71;8:45 am]

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank Stock By Bank Holding Company

In the matter of the application of Mercantile Bancorporation Inc., St. Louis, Mo., for approval of acquisition of up to 100 percent of the voting shares of Mercantile Bank and Trust Company, Kansas City, Mo.

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 Bancorporation Inc., St. Louis, Mo., for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of Mercantile Bank and Trust Co. (Bank), Kansas City, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commissioner of Finance, and requested his views and recommendation. The Commissioner found the proposed action to be a very progressive step in banking.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 9, 1971 (36 F.R. 12930), 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 controls three banks with aggregate deposits of $1,093.7 million, representing 9.5 percent of total deposits in Missouri. (All banking data are as of December 31, 1970, and reflect holding company formations and acquisitions approved through July 31, 1971.) Bank ($68.6 million deposits) is the eighth largest banking organization in the Kansas City area with 2.1 percent of area deposits. Affiliation with Applicant should enhance Bank's ability to compete with the larger organizations in the area, the three largest of which are lead banks of multibank holding companies each of which has bank subsidiaries in the St. Louis area served by Applicant's lead bank. Competition for business accounts should be stimulated by Applicant's entry into Kansas City area. Because of Missouri's branch banking laws and the considerable distance between Bank and Applicant's three subsidiaries, the closest of which is located 180 miles from Bank, it does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of Applicant's proposal.

The financial and managerial resources of Applicant, its subsidiaries, and Bank are satisfactory and, therefore, consistent with approval. The future prospects of Bank would be enhanced by consummation of this proposal, and this factor weighs in favor of approval. Applicant plans to initiate or expand various services for the business customer, such as international banking services, data processing, and leasing. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight for approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth 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 St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] September 2, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13266 Filed 9-9-71;8:45 am]

NORTHERN MICHIGAN CORP.

Order Approving Action To Become Bank Holding Company

In the matter of the application of Northern Michigan Corp., Escanaba, Mich., for approval of action to become a bank holding company through the acquisition of 90 percent or more of the voting shares of Northern Michigan National Bank, Escanaba, Mich.

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 Northern Michigan Corp., Escanaba, Mich., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 90 percent or more of the voting shares of Northern Michigan National Bank (Bank), Escanaba, Mich.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on July 17, 1971 (36 F.R. 13299), 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 bank concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a recently organized corporation, formed for the express purpose of becoming a bank holding company. Northern Michigan National Bank (deposits of $22.4 million) is the second largest of five banks in its market area, which is approximated by Delta County, and controls 29.6 percent of the deposits in its market and only 0.1 percent of the total commercial bank deposits in Michigan (as of December 31, 1970).

Inasmuch as the proposal constitutes a corporate reorganization and reflects no expansion of the corporate interests or significant changes in the character of the banking facilities involved, consummation of the proposal would not alter existing banking competition nor significantly affect potential competition. The financial and managerial resources and prospects of Applicant and Bank are generally satisfactory and consistent with approval of the application. The convenience and needs of the communities involved will not be immediately affected by consummation of this proposal, but improved services may be provided in the future under the more flexible corporate structure of the holding company system. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth 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 Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[1] September 2, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-13267 Filed 9-9-71;8:45 am]

TRADE DEVELOPMENT BANK HOLDINGS S.A.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Trade Development Bank Holdings S.A., City of Luxembourg, Luxembourg, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of indirect ownership of 51 percent of the outstanding voting shares of Republic National Bank of New York, N.Y., through acquisition of 100 percent of the voting shares of Trade Development Bank, Geneva, Switzerland.

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 New York.

Board of Governors of the Federal Reserve System, September 2, 1971.

[SEAL] TYNAN SMITH, *Secretary.*

[FR Doc.71-18268 Filed 9-9-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. Nos. IC-6692, IA-292]

PRESIDENT'S NEW ECONOMIC PROGRAM

Increases In Advisory Fees Received By Investment Advisers of Investment Companies

The following is the text of a letter of August 20, 1971, by the Director of the Division of Corporate Regulation to the Investment Company Institute expressing the views of the Division as to the effect of the President's wage-price freeze on increases in advisory fees received by investment advisers of investment companies:

DEAR MR. SILVER: As you know, on August 15, 1971, the President ordered a freeze on all prices and wages throughout the United States for a period of 90 days. You have requested our views with respect to the effect of the President's freeze on increases in advisory fees received by investment advisers of investment companies. The staff has reached the following conclusions:

(1) The wage-price freeze is applicable to any revisions of existing contracts with respect to advisory fees which would result in increased payments to an investment adviser.

(2) The percentage of net assets, whether or not based on performance related to an index, used for computing the amount of the advisory fee owed by registered investment companies to investment advisers may not lawfully be increased. This would include changes in any of the percentages involved in the computation of performance, base and minimum fees.

(3) If the investment company has mailed its proxy material to its shareholders to approve an increase in the advisory fee, it may obtain the shareholders vote but may not put any increase into effect during the period of the wage-price freeze.

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

(4) With an important exception described below, it would be improper during the period of the wage-price freeze for a fund to commence to solicit shareholder approval of a new contract increasing the advisory fee. We would regard such solicitations as failing to meet the approval requirements of section 15 of the Investment Company Act of 1940 since obtaining approval of shareholders may be more than 60 days before the new contractual arrangements may lawfully go into effect.

(5) As you know, the Investment Company Amendments Act of 1970 (Public Law 91-547) amended section 205 of the Investment Advisers Act of 1940, effective December 14, 1971, to make unlawful any advisory contract between a registered investment company and its investment adviser that provides for a performance fee arrangement unless the contract satisfies the symmetry provisions of that section. In Investment Company Act Release No. 6336 (February 2, 1971) the Commission stated it would not raise any objection if an advisory contract which does not meet the requirements of amended section 205 is revised to provide that the fee arrangement will comply for any period on or after December 14, 1971. In some instances new performance fee contracts permitted by section 205 have been presented to and approved by shareholders to go into effect on December 14, 1971, with a different method of compensation continuing until that date.

(6) In other instances, funds soliciting shareholders for approval of a new contract to achieve conformity with the provisions of section 205, including an increase in the advisory fee, have filed, or expect to file, preliminary proxy material prior to such a solicitation. In these instances, the provisions of amended section 205 will be deemed to have been satisfied and we would have no objection to the following:

a. The meeting may be held and the votes counted.

b. Thereafter, the fee to be charged and collected for the period of the wage-price freeze should be the lesser in dollar amount of that based on the new contract or on the old contract.

c. The new contract may be put fully into effect on a prospective basis when the wage-price freeze is lifted.

Of course, the prospectus and proxy statements should clearly reflect the above conditions.

Sincerely yours,

SOLOMON FREEDMAN,
Director.

By the Commission, August 24, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13281 Filed 9-9-71;8:47 am]

[File No. 24D-3055]

CIGARETTE BREAKERS, INC.

Order Permanently Suspending Regulation A Exemption

SEPTEMBER 1, 1971.

I. Cigarette Breakers, Inc. (issuer), a Colorado corporation, Suite 304 Brooks Tower, 1020 15th Street, Denver, CO 80202, filed with the Commission on March 5, 1971, a notification on Form 1-A and an offering circular relating to the offering of 60,000 shares of its $0.20 par value common stock at $5 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Charisma Securities Corp. (Charisma), 6 Maiden Lane, New York, NY, was designated as the underwriter of the offering. Charisma was to purchase 30,000 shares of the offering at a price of $4.50 per share on a firm-commitment basis and was to reoffer such shares to the public at $5 per share. Charisma was to sell the remaining 30,000 shares of the offering on a best-efforts basis and receive an underwriting commission of $0.50 per share sold. In addition, the issuer was to reimburse Charisma for expenses of the offering in an amount of up to $10,000, at the rate of $0.16⅔ per share sold. On May 24, 1971, the issuer filed a request that its notification under Regulation A be withdrawn.

II. The Commission issued an order on June 15, 1971, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption. The order alleged that:

(A) The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

(1) The failure to disclose that the principal purpose of the incorporation of the issuer and the offering of its common stock was to create a market for the common stock of the issuer so that the promoter of the issuer, and others, could purchase and sell the common stock of the issuer and manipulate the market therefor, to their own benefit and enrichment.

(2) The failure to disclose that following the offering of the issuer's common stock, the promoter of the issuer intended to spread false rumors about the financial and operational condition of the issuer for the purpose of driving down the price at which the common stock of the issuer might be traded, during a period when the promoter, and others, were selling the common stock of the issuer "short", for the benefit and enrichment of the promoter and others.

(3) The failure to disclose that following the offering of the issuer's common stock, a director and principal security holder of the issuer, who allegedly controlled two funds, would attempt to manipulate the price of that security through the purchase and sale of the common stock of the issuer by those funds.

(4) The failure to disclose that the promoter of the issuer did not intend to make a genuine effort to promote the business of the issuer.

(5) The failure to disclose that Robert Ramm, the principal promoter of the issuer, is the subject of a Canada-wide warrant for fraud in connection with the promotion of Port Comm Communications Corporation, Ltd. and the sale of shares of stock therein.

(B) The offering would have been made in violation of Section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. No hearing having been requested by the issuer within 30 days after the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended:

It is ordered, Pursuant to Rule 261(a), of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13328 Filed 9-9-71;8:51 am]

[812-2994]

COLONIAL FUND, INC., ET AL.

Notice of Application To Permit Offer of Exchange and For Exemption

SEPTEMBER 2, 1971.

Notice is hereby given that The Colonial Fund, Inc., Colonial Growth Shares, Inc., Colonial Equities, Inc., Colonial Ventures, Inc., Colonial Income Fund, Inc. (hereinafter collectively referred to as the "Funds"), all open-end investment companies registered under the Investment Company Act of 1940 (Act), and Colonial Fund Single Payment Plans (Colonial Plans), a unit investment trust registered under the Act, together with Colonial Distributors, Inc., herein with Funds and Colonial Plans (collectively referred to as "Applicants"), have filed an application pursuant to sections 6(c) and 11(c) of the Act for an order of the Commission permitting an offer of exchange and granting an exemption from section 22(d) of the Act, all as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The Applicants seek an order pursuant to section 11(c) and an exemption pursuant to section 6(c) from the provisions of section 22(d) of the Act to permit each of the Funds to offer to its investors the opportunity of exchanging their Fund shares for Colonial Plans at their respective net asset values. The schedules and amounts of sales charges are the same for all of the Funds and Colonial Plans. However, as indicated in their respective prospectuses, the Funds (including the underlying Fund of Colonial Plans) differ in their respective investment policies.

The Applicants contend that such exemption would allow the Funds to complement their current practices whereby shareholders have the opportunity to exchange their respective Fund shares at net asset value and without sales charge for shares in other Funds in the Colonial Group of Funds.

The application states that if the exemptive order is granted, the mechanics of the "exchange" would be that the shares of a Fund would be liquidated at net asset value: *Provided*, That such Fund shares total net asset value is at least $1,000 or more, in multiples of $100. The proceeds of such liquidation would be used to acquire an equivalent dollar value of shares at net asset value of the Colonial Fund, Inc., whose shares are the underlying investment of Colonial Plans, and a new Colonial Fund Single Payment Plan for such shares would be issued to the investor at no additional sales charge. The application states that a request for an exchange will be executed the same day as it is received, and the net asset value of The Colonial Fund, Inc., shares which are being purchased will be calculated at the close of business on the same day as is the net asset value of the Fund shares which are being liquidated.

The existence of the exchange privilege would be disclosed to shareholders in the prospectuses of the Funds. On any exchange from the Funds an application signed by the exchanging shareholder will indicate that the investor has received the current prospectus of Colonial Plans and Colonial Fund, Inc., and that he understands that the prospectus of the Plans set forth certain custodial fees payable by planholders.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c), insofar as it is applicable, provides that irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of the securities of a registered unit investment trust for the securities of a registered open-end investment company.

Applicants believe that the same privilege of exchange afforded by section 11(a) to shareholders of the Funds to exchange their respective Fund shares should be extended to the acquisition of Colonial Plans' certificates as long as the net asset value base of exchange is maintained as required in section 11(a). In the Applicants' view, the proposal clearly falls within the permitted exchanges contemplated by these sections of the Act except for the fact that the acquired security is that of a unit investment trust rather than a security of another open-end investment company.

Applicants further represent that the exchange privilege, if permitted, would permit investors to retain the benefit of their prior purchase of fund shares even though their investment goals have changed and they now may wish to acquire a plan rather than fund shares. The application states that unlike a Fund shareholder, the new plan holder would be permitted to withdraw up to 90 percent of the value of his account and thereafter reinvest the proceeds at the net asset value without sales charges. He would also be permitted to designate beneficiaries who would be entitled to the Plan certificate or its equivalent value thereof in the event of his death. In addition, as a planholder, the investor could also reinvest dividends with no charges other than customary fees to the custodian bank.

Section 22(d) of the Act, insofar as it is applicable here, requires that the plans of a unit investment trust be sold at the public offering price stated in its prospectus. An exemption from section 22(d) is necessary, therefore, to permit each of the Funds to offer to its investors the opportunity of exchanging their Fund shares for Plans at their respective net asset values.

Applicants state that since no substantial sales effort would be incurred in an exchange from a Fund to Plan, it would be inequitable and inappropriate to impose another layer of sales charges, in addition to those already paid by the investor for his fund shares upon an exchange transaction.

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

Notice is further given that any interested person may, no later than September 23, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued 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.71-13278 Filed 9-9-71;8:46 am]

[File No. 24A-2001]

DOLPHIN'S LOCKER, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

SEPTEMBER 1, 1971.

I. Dolphin's Locker, Inc. (Issuer), 1866 East Fourth Avenue, Hialeah, FL 33010, a Florida corporation, filed with the Commission on April 30, 1970, a notification and offering circular relating to a proposed offering of 200,000 shares of its $0.01 par value common stock at $0.50 per share for an aggregate of $100,000 for the purpose of obtaining an exemption for the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. No amendments have been filed and the offering has not been cleared.

II. The Commission has reasonable cause to believe, on the basis of information reported to it by its staff, that:

A. The notification and the offering circular failed to meet the requirements of Regulation A as well as the full disclosure requirements of the Securities Act of 1933, as amended, in that:

(1) The issuer failed to disclose adequately and accurately the transactions in which the issuer acquired its business and assets from two of its officers who are also directors, promoters and controlling stockholders.

(2) The issuer failed to disclose the cash cost to such insiders of the business and assets so acquired.

(3) The issuer failed to state the amount, if any, of liabilities assumed by it in connection with the acquisition of the business and assets.

(4) The issuer made misleading statements with respect to underwriting arrangements in that no underwriter is involved but that caption appears in the offering circular.

(5) The issuer failed to set out in the offering circular full information concerning the issuer's business operations and financial condition in a manner which would appear reasonably understandable to prospective investors.

B. No reply has yet been received from either the issuer or the attorney for the issuer.

A followup letter was sent to the attorney on October 30, 1970, with a copy to the issuer's president, advising that unless the issuer was prepare to file the requested amendments, the notification should be withdrawn.

No reply to the followup letter was received from the issuer, but by letter dated

November 5, 1970, the attorney advised that he no longer represented the issuer in connection with its Regulation A filing.

On December 15, 1970, an additional followup letter was sent to the issuer's president, with a copy to its vice president, again requesting that unless the issuer was prepared to file the requested amendments, the notification be withdrawn without additional delay.

No reply of any kind to any of the letters has been received.

The notification and offering circular filed by the issuer are at best materially misleading, if not false, and the issuer has shown a lack of cooperation in failing to respond to staff comments, amend the filing or communicate in any way with the Commission concerning the filing.

C. The offering, if made, would be made in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[FR Doc.71-13329 Filed 9-9-71;8:51 am]

[File No. 24A-2017]

GROVE STUDIO, INC.

Order Permanently Suspending Regulation A Exemption

SEPTEMBER 1, 1971.

I. Grove Studio, Inc. (Issuer), 355 Northeast 59th Terrace, Miami, FL 33137, a Florida corporation, filed with the Commission on September 18, 1970, a notification and Rule 257 Statement, relating to a proposed offering of 48,000 shares of $0.01 par value common stock at $1 per share for an aggregate of $48,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder. By amendment filed December 9, 1970, the proposed offering was reduced to 47,000 shares at $1 per share for an aggregate of $47,000. An amendment to Item 11 of Form 1-A was filed December 31, 1970. No additional amendments have been filed and a commencing date for the offering has not been established.

II. On June 1, 1971, the Commission issued an order pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption. The order alleged that:

A. As provided in Rule 252(d) of Regulation A, no exemption was available for the securities of Grove Studio, Inc., in that:

, Joseph Garofalo, a principal security holder of the issuer and an unnamed affiliate, was subject to an order of permanent injunction enjoining Joseph Garofalo, doing business as Josephson Co., from violating the antifraud and net capital provisions of the Securities Exchange Act of 1934.

B. No exemption was available to the issuer under the provisions of Rule 257 of Regulation A for the shares covered by the notification, in that:

Prior to the clearance of the Regulation A filing and the establishment of a commencing date for the offering, Joseph Garofalo, doing business as Josephson Co., 99 Wall Street, New York, NY, had sold 21,600 shares of the issuer's unregistered common stock for an aggregate of $21,600 in violation of the registration requirements of the Securities Act of 1933 which had caused the $50,000 ceiling imposed by Rule 257 to be exceeded.

C. The terms and conditions of Regulation A had not been met in that all information required by Form 1-A and Schedule I had not been disclosed, particularly with reference to Items 2 and 9 of Form 1-A and paragraph 9 of Schedule I.

D. The issuer's notification and Rule 257 Statement contained untrue statements of material facts and omitted to state material facts necessary to make the statements made in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The notification and Rule 257 Statement state that the issuer's securities would be offered and sold only by personal solicitation of its officers and directors without the services of a broker-dealer whereas 21,600 shares had been offered and sold by Joseph Garofalo, doing business as Josephson Co., a broker-dealer registered with this Commission.

2. The Rule 257 Statement failed to disclose any information concerning the issuer's development of franchise operations although a part of the proceeds was designated for that purpose.

3. The Rule 257 Statement failed to disclose adequately the estimated amount of proceeds to be used to pay salaries of the issuer's officers.

4. The Rule 257 Statement failed to disclose adequately and accurately full information concerning the issuer's business operations.

E. The Issuer had failed to cooperate with the Commission in that it had failed to furnish requested information.

F. The offering, as made, was made in violation of sections 5 and 17 of the Securities Act of 1933, as amended, and if the offering had continued to be made, such further offering would have operated as a fraud and deceit upon the purchasers in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

III. On June 29, 1971, Joseph Garofalo, doing business as Josephson Co., filed a notice of appearance and request for hearing through his attorneys, Kane, Kessler, Preiss, Rand & Provjansky. On August 6, 1971, the hearing was cancelled for the Commission by its Chief Hearing Examiner pursuant to the withdrawal of the request for hearing.

The request for hearing having been withdrawn and on other hearing request having been made within 30 days after the entry of the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended.

It is ordered, pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

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

[FR Doc.71-13330 Filed 9-9-71;8:51 am]

[70-5034]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Posteffective Amendment Regarding Issuance and Sale of Notes to Bank

SEPTEMBER 2, 1971.

In the matter of New England Electric System, Massachusetts Gas System, Massachusetts LNG, Inc., 20 Turnpike Road, Westborough, MA 10581.

Notice is hereby given that New England Electric System (NEES), a registered holding company, Massachusetts Gas System (Mass. Gas), a subsidiary holding company of NEES which directly owns the common shares of eight gas utility companies, and Massachusetts LNG, Inc. (Mass. LNG), have filed with

this Commission a posteffective amendment to their application-declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12(b) and Rules 42, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended by said posteffective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated July 7, 1971 (Holding Company Act Release No. 17183) the Commission authorized Mass. LNG, a new wholly owned subsidiary company of Mass. Gas, to issue and sell its short-term construction notes up to $15 million at any one time outstanding until September 30, 1972, to The First National Bank of Boston (First National). Mass LNG now proposes to increase the aggregate amount of its notes to be outstanding at any one time to $16 million. The Mass LNG notes will be guaranteed by Mass Gas and secured by assignment to the bank of Mass LNG's rights under the construction agreements for the Lynn and Salem facilities and Mass LNG's leasehold of the site for the Lynn facility.

The notes will be in the form of construction loans bearing interest at 1½ percent above the prime interest rate of First National. A commitment fee of ½ percent per annum will be payable from the date of execution of the Construction Loan Agreement. This fee will be computed daily on the difference between outstanding construction loans and $16 million (to June 30, 1972, or such earlier date as notes with respect to the Lynn facilities are repaid), and $5,250,000 (thereafter to August 31, 1972, or such earlier date as notes with respect to the Salem facilities are repaid). No compensating balances will be required. The notes will be issued from time to time as funds are required and will mature, in the case of loans for the Lynn facility, no later than July 1, 1972, and, in the case of the Salem facility, no later than September 1, 1972.

It is stated that legal fees for counsel retained by First National are estimated at $1,750, which is to be paid by Mass LNG. In all other respects, the transactions previously authorized remain unchanged.

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 posteffective amendment 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 address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by the posteffective amendment or as it may be further 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.71-13279 Filed 9-9-71;8:46 am]

[0-904]

UNIVERSAL SURGICAL SUPPLY, INC.

Notice of Application and Opportunity for Hearing

SEPTEMBER 1, 1971.

Notice is hereby given that Universal Surgical Supply, Inc. (Universal) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), requesting the order of the Commission that Universal be exempted from the provisions of sections 13 and 14 of the Act.

Section 12(h) of the Act empowers the Commissioin to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions under sections 13, 14, and 15(d) and any officer, director or beneficial owner of 12(g) registered securities of any issuer from the insider trading provisions of section 16 of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Section 13 of the Act requires that issuers of securities registered pursuant to section 12 must file certain periodic reports with the Commission. Section 14 requires that issuers of securities registered pursuant to section 12 must comply with certain requirements with respect to proxy solicitations.

Section 16 imposes certain ownership reporting requirements upon the beneficial owners of more than 10 percent of a class of equity security registered pursuant to section 12 and upon officers and directors of the issuer of such security.

The application of Universal states, in part:

1. That Universal has been inactive in its operations for approximately 5 years;

2. That the assets and liabilities at December 28, 1969, as filed in Universal's Form 10-K report for the period then ending, would show no material variations from Universal's 1970 statements, and the company has had no substantial income during either of such periods;

3. That the number of public holders of record if Universal's stock is approximately 412, who own an aggregate of 5,667 shares of the 1 million shares of common stock Universal has outstanding;

4. That Image Systems, Inc. owns 99.4 percent of Universal's outstanding common stock;

5. That there is no trading interest in the securities of Universal;

6. That Universal does not have any funds and, accordingly, is unable to pay legal and accounting fees involved in the preparation of reports required under the Act.

Notice is further given that any interested person not later than September 22, 1971, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13280 Filed 9-9-71; 8:47 am]

[File No. 24W-2859]

WOODLAWN LEASING CORP.

Order Permanently Suspending Regulation A Exemption

SEPTEMBER 1, 1971.

I. Woodlawn Leasing Corp. (Issuer), 8743 Cooper Road, Alexandria, VA 22309, incorporated in the State of Virginia on March 27, 1967, filed with the Commission on April 11, 1968, a notification on Form 1-A and an offering circular relating to an offering of 250 bonds at $1,000 per unit for an aggregate offering price of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. On June 22, 1971, the Commission issued an order pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption. The order alleged that:

A. The terms and conditions of Regulation A had not been complied with in that:

1. The Issuer had failed to disclose the offer and sale of unregistered securities of its affiliates;

2. The Issuer had exceeded the $300,000 ceiling limitation provided for by Rule 254 of Regulation A, as in effect at the time the issuer's notification had been filed;

3. The Issuer had failed to file, pursuant to Rule 258, a letter offering the bonds to shareholders of Universal Holding Corp., an affiliate of the issuer under the revised terms; and

4. The Issuer failed to disclose in the notification and offering circular or amendments thereto, that the issuer's affiliates and president and vice-president, since September 14, 1970, had been subject to an injunctive decree issuing from the U.S. District Court permanently enjoining them from further violating the registration and antifraud provisions of the Securities Act of 1933.

B. The notification and offering circular and amendments thereto of Woodlawn Leasing Corp. contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading particularly with respect to:

1. The terms of the offering.

2. The offer and sale of unregistered securities of its affiliates in violation of section 5 of the Securities Act of 1933, and through the use of false and misleading statements.

C. The offering as made was, and if continued to be made, would have been in violation of sections 5 and 17 of the Securities Act of 1933.

III. No hearing having been requested by the issuer within 30 days after the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be permanently suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securties Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, permanently suspended.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-13331 Filed 9-9-71;8:52 am]

SMALL BUSINESS ADMINISTRATION

VERMONT INVESTMENT CAPITAL, INC.

Notice of Issuance of Small Business Investment Company License

On June 30, 1971, a notice of application for a license as a Small Business Investment Company (SBIC) was published in the FEDERAL REGISTER (36 F.R. 12335) stating that an application had been filed with the Small Business Administration (SBA) pursuant to section 107.102 of the regulations governing small business investment companies (13 CFR Part 107.102 (1971)) for a license as a small business investment company by Vermont Investment Capital, Inc., Route 14, South Royalton, VT 05068.

Interested parties were given to the close of business July 12, 1971, to submit their comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 01/01-0072 to Vermont Investment Capital, Inc., to operate as a small business investment company.

Dated: September 1, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.71-13277 Filed 9-9-71;8:46 am]

TARIFF COMMISSION

[TEA-F-32]

ALL STAR PRODUCTS, 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 All Star Products, Inc., Defiance, Ohio, the U.S. Tariff Commission, on September 7, 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 variable electrical capacitors of the types 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: September 7, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-13343 Filed 9-9-71;8:52 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications to Area Wage Determination Decisions for Specified Localities in Certain States

Modifications to area wage determination decisions for specified localities in Florida, Kansas, Illinois, Missouri, New Jersey, Pennsylvania, Virginia, and Wisconsin.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-1709	Aug. 11, 1971
AM-330, AM-332, AM-334, AM-335, AM-337, AM-341, AM-343, AM-346, AM-349.	Aug. 13, 1971
AM-425, AM-426, AM-430 AM-432, AM-433, AM-435.	Aug. 18, 1971
AM-455, AM-1856, AM-1869	Aug. 20, 1971
AM-3616, AM-3622, AM-3623, AM-3624.	Aug. 25, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, "Procedure for Predetermination of Wage Rates," and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the 120-day period for which the determinations being modified were issued and are to be

used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

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

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-486—56 F.R. 15976, Juneau County, Wis. Modification No. 1						
CHANGE:						
Building construction:						
Ironworkers, structural, ornamental and reinforcing	$7.20	$0.25	$0.125		$0.025	
Lathers (balance of county)	6.75	.20	.20		.01	
WD No. AM-455—56 F.R. 16005, Rock County, Wis. Modification No. 1						
CHANGE:						
Building construction:						
Cable splicers	7.22	.25	1%	6.5%+d	.25	
Ironworkers (vicinity of Edgerton, Milton, Poolville and Evansville):						
Structural, ornamental, and reinforcing	$7.20	$0.25	$0.125		$.025	
Ironworkers (vicinity of Janesville, Beloit, Oxfordville, Shopiers and Clinton):						
Structural, ornamental and reinforcing	8.00	1.75	.125			
Lathers (eastern half)	7.35		.35		.01	
Lathers (remainder of county)	6.75	.20	.20		.01	
Painters—Swing stage	6.78	.30	.30		.01	
Plasterers	7.20	.20	.20			
WD No. AM-456—56 F.R. 16581, Hillsborough County, Fla. Modification No. 1						
ADD:						
Label "Heavy and Highway" construction to pages No. 5 and 6 of decision.						
Label "Building Construction" to page 3 of decision.						
WD No. AM-541—56 F.R. 15215, Will County, Ill., modification No. 1						
CHANGE:						
Ironworkers, reinforcing	9.24	.175	.125		.01	
WD No. AM-435—56 F.R. 16015, Winnebago County, Wis., modification No. 1						
CHANGE:						
Building construction:						
Sheet metal workers:						
Remainder of county	6.75	.35	.15	.53+m		
FOOTNOTES:						
1. Includes $0.30 holiday pay.						
WD No. AM-430—56 F.R. 15991, Milwaukee County, Wis., modification No. 1						
CHANGE:						
Laborers (asphalt paving):						
Asphalt laborers	4.47	.30	.15	.20		
Shovelers	4.47	.30	.15	.20		
WD No. AM-455—56 F.R. 16000, Racine County, Wis., modification No. 1						
CHANGE:						
Building construction:						
Laborers—Mason tender	4.35	.18	.10	.20		
WD No. AM-485—56 F.R. 15975, Eau Claire County, Wis., modification No. 1						
CHANGE:						
Building construction:						
Plumbers	7.36	.25	.30	8%		

III-20-PEO-2-3 H

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-555—56 F.R. 15188, Peoria County, Ill., Modification No. 1						
CHANGE:						
Heavy and highway construction:						
Power Equipment Operators:						
(1) Cranes, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary, derricks and hoist (3-drum); Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers-single drum-dual drum and tri batcher, motor patrols and power blades-Dunsore, elevating similar types, mechanics, central concrete mixing plant operators, blacktop plant operators and plant engineers gradall, caisson rigs-requires oiler, skimmer-scoop-Koehring scooper, dredges (all types) hoptoe-crane type (require oiler), escalated rate on crane and derricks booms, 0.01 per hour, per foot, over 80 feet including jib all cherry pickers; cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozer and tournadozer	$7.275	$0.25	$0.25		$0.05	
(2) Asphalt heater and planter combination (used to plane streets), trench machines, pump crete-belt crete-squeeze crete-screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, 0.25 per hour for each scoop over one, scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe-endloader or other attachments, backfillers, asphalt surfacing machine Euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, Tuneluger, rock-crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types	7.075	.25	.25		.05	
(3) Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-brick or macadam, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum) fireman, screed man on laydown machine, and spray machine on paving	6.80	.25	.25		.05	

I11-20-PEO-2-3 H

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Others
CHANGE—Continued						
Heavy and highway construction—Continued						
Power Equipment Operators—Continued						
(4) Power subgrader, oil distributor, straight tractor, tracair (without attachments), curb machines, paved ditch machines, truck crane oiler, and truck type hoptoe oilers	6.525		.25		.05	
(5) Herman Nelson Heater, Dravo, Warner, silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers—5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), air compressor (1) or (2), conveyor (1) or (2), welding machine (1) or (2), mixer 3 bags and under, and bulk cement plant	6.415		.25		.05	

Illinois-31-Laborers-3-1

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-349—36 F.R. 15207, Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair and Washington Counties, Ill., Modifications No. 1						
Change:						
Zone I						
Area 1:						
Madison County: Alton.						
Laborers	$6.85	$0.20	$0.30		$0.035	
Asphalt raker, applying, cooking and heating of all mastics; weigh man on asphalt platform	6.95	.20	.30		.035	
Tending to brick masons	7.35	.20	.30		.035	
Dynamite men	8.375	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culvert)	7.10	.20	.30		.035	
Area 2:						
St. Clair County: Belleville, O'Fallon.						
Madison County: Collinsville, and Glen Carbon.						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics; weigh man on asphalt platform	7.35		.20		.035	
Tending to brick masons	7.75		.20		.035	
Dynamite men	8.775		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.50		.20		.035	
Area 3:						
St. Clair County: E. St. Louis.						
Madison County: Granite City.						
Laborers	6.75	.25	.35		.035	
Asphalt raker, applying, cooking and heating of all mastics; weigh man on asphalt platform	6.85	.25	.35		.035	
Tending to brick masons	7.25	.25	.35		.035	
Dynamite men	8.275	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.00	.25	.35		.035	
Area 4:						
Madison County: Edwardsville.						
Laborers	7.35				.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	7.45				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary of storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.60				.035	
Area 5:						
Madison County: Wood River.						
Laborers	6.85	.20	.30		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.95	.20	.30		.035	
Tending to brick masons	7.35	.20	.30		.035	
Dynamite men	8.375	.20	.30		.305	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.10	.20	.30		.035	
Zone II						
Area 1:						
Washington County: Ashley, Nashville, Okawville.						
Macoupin County: Gillespie, Mount Olive, Shipman and Staunton.						
St. Clair: Freeburg, Lenzburg, Marissa, Mascoutah and New Athens.						
Madison County: Highland, Livingston, Marine, St. Jacob and Troy.						
Clinton County: Carlyle and New Baden.						
Randolph County: Chester and Sparta.						
Bond County: Greenville, Pocahontas, and Sorento.						
Calhoun County: Hardin.						
Montgomery County: Hillsboro and Litchfield.						
Green County: Roodhouse.						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking, and heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.40		.20		.035	
Area 2:						
Macoupin County: Carlinville, Girard Palmyra.						
Clinton County: Trenton.						
Monroe County: Columbia.						
Jersey County: Jerseyville.						
Laborers	7.35				.035	
Asphalt raker, applying, cooking, and heating of all mastics	7.45				.035	
Weighman on asphalt platform	7.425				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts)	7.60				.035	

Ill. 9-LAB-1-2-3 F

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-530—56 F.R. 15155, Cook County, Ill. Modification No. 1						
CHANGE:						
Laborers:						
Building; heavy and highway construction:						
Common laborers	$6.15	$0.32	$0.40			
Boiler setters' laborers, cement gun laborers	6.225	.32	.40			
Chimney laborers (over 40 feet) scaffold	6.25	.32	.40			
Plasterers laborers	6.175	.32	.40			
Windlass, cement gun nozzle laborers	6.30	.32	.40			
Stone handlers, derrickmen, boiler setter plastic	6.35	.32	.40			
Jackhammermen	6.375	.32	.40			
Caisson digger	6.50	.32	.40			
Jackhammer men (asphalt)	6.425	.32	.40			
Tunnel work, rock or clay:						
Dump men, top laborers	6.95	.32	.40			
Cage tenders, skinners, switchmen, truck layers	5.975	.32	.40			
Car pusher, concrete laborers, grout machine operator, steel setters, and tuggers grout laborers	6.075	.32	.40			
Signal men	6.10	.32	.40			
Pebble placer operator, mortarmen muckers	6.175	.32	.40			
Air hoist operator, bricklayers tender, cement (invert) laborer, concrete blower operator, driller for blasting, dynamiters, erector operators, form men, lock tenders, miners, power knife operator, jackhammermen, keyboard operator	6.30	.32	.40			
Sewer, subway, drain, water service:						
Common laborers, top laborers	5.95	.32	.40			
Cement carriers, cement mixers, mortar men, scaffoldmen, second bottom men	6.175	.32	.40			
Bottom men, bricklayers tenders, catch basin jiggers and rodders, form men, jackhammermen, pipelayers, well point system	6.40	.32	.40			
Street paving, grade separation, planting, grading and landscaping:						
Laborers and helpers	6.25	.32	.40			
Form setters on pavement work, jackhammermen (concrete)	6.375	.32	.40			
Tampers and smoothers	6.225	.32	.40			
Rakers, lutemen, kettlemen, mixermen, drummen, jackhammermen (asphalt)	6.425	.32	.40			

Ill.-3.-LAB-2-3 R

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-338—56-F.R.15160, Kane County, Ill., Modification No. 1						
CHANGE:						
Laborers: Heavy and highway construction:						
Common laborers	$5.80	$0.25	$0.15			
Asphalt laborers and helpers	5.80	.25	.15			
Tile layers and bottom men	6.15	.25	.15			
Air tampers and vibrators	5.85	.25	.15			
Chain saw men	6.05	.25	.15			
Jackhammermen, drill men, concrete breakers and air spades	6.05	.25	.15			
Stringline and form setters on concrete highways, street, alleys, etc	5.95	.25	.15			
Sheeting and cribbing men	5.95	.25	.15			
Asphalt plant laborer	5.80	.25	.15			
Black top rakers and lutemen	5.95	.25	.15			
Stripping laborer	5.80	.25	.15			
Concrete saw, self-propelled saw	5.80	.25	.15			
Machine screwmen	5.95	.25	.15			
Mixers (mortar and concrete)	5.90	.25	.15			
Caisson diggers	6.30	.25	.15			
Dynamiters	6.30	.25	.15			
WD No. AM-345—56 F.R. 15823, Boone, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill., Modification No. 1						
CHANGE:						
Boone, Kane, Kendall, and McHenry Counties.						
Laborers: Heavy and highway construction:						
Common laborers	5.80	.25	.15			
Asphalt laborers and helpers	5.80	.25	.15			
Tile layers and bottom men	6.15	.25	.15			
Air tampers and vibrators	5.85	.25	.15			
Chain saw men	6.05	.25	.15			
Jackhammermen, drill men, concrete breakers, and air spades	6.05	.25	.15			
Stringline and form setters on concrete highways, street, alleys, etc	5.95	.25	.15			
Sheeting and cribbing men	5.95	.25	.15			
Asphalt plant laborer	5.80	.25	.15			
Black top rakers and lutemen	5.95	.25	.15			
Stripping laborer	5.80	.25	.15			
Concrete saw, self-propelled saw	5.80	.25	.15			
Machine screwmen	5.95	.25	.15			
Mixers (mortar and concrete)	5.90	.25	.15			
Caisson diggers	6.30	.25	.15			
Dynamiters	6.30	.25	.15			

Illinois-31SC-Laborers-3 L

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-557—56 F.R. 16194, St. Clair County, Ill., Modification No. 1						
Change:						
Laborers—Highway construction:						
BELLEVILLE; O'FALLON:						
Laborers	$7.15		$0.20		$0.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	7.35		.20		.035	
Tending to brick masons	7.75		.20		.035	
Dynamite men	8.775		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.50		.20		.035	
East St. Louis:						
Laborers	6.75	$0.25	.35		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.85	.25	.35		.035	
Tending to all brick masons	7.25	.25	.35		.035	
Dynamite men	8.275	.25	35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.00	.25	.35		.035	
Freeburg, Lenzburg, Marissa, Mascoutah and New Athens:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to all brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles or multiplate culverts	7.40		.20		.035	

Illinois-31-M-Laborers-3-I

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-554—56 F.R. 15176, Madison County, Ill., Modification No. 1						
CHANGE:						
Highway construction:						
Alton:						
Laborers	$6.85	$0.20	$0.30		$0.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.95	.20	.30		.035	
Tending to brick masons	7.35	.20	.30		.035	
Dynamite men	8.375	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.10	.20	.30		.035	
Collinsville and Glen Carbon:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	7.35		.20		.035	
Tending to brick masons	7.75		.20		.035	
Dynamite men	8.775		.20		.035	
Men working on the bottom of sewer trenches on the final graking, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.50		.20		.035	
Granite City:						
Laborers	6.75	.25	.35		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.85	.25	.35		.035	
Tending to brick masons	7.25	.25	.35		.035	
Dynamite men	8.275	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.00	.25	.35		.035	
Edwardsville:						
Laborers	7.35				.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	7.45				.035	
Tending to brick masons	7.85				.035	
Dynamite men	8.875				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.60				.035	
Wood River:						
Laborers	6.85	.20	.30		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.95	.20	.30		.035	
Dynamite men	8.375	.20	.30		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.10	.20	.30		.035	
Tending to brick masons	7.35	.20	.30		.035	
Highland, Livingston, Marine, St. Jacob, and Troy:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to brick masons	7.65		.20		.035	
Dynamite men	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.40		.20		.035	

Ill. Hwy. LAB. District 5-B

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-546—36 F.R. 16851, Champaign, Clark, Coles, Cumberland, De Witt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby, and Vermilion Counties, Ill., Modification No. 1						
CHANGE:						
Zone 1: Champaign County.						
Zone 2: Coles & Cumberland Counties.						
Zone 3: Douglas County and southern ½ of Piatt County, and eastern ½ of Moultrie County.						
Zone 4: Clark and Edgar Counties.						
Zone 5: Northern ½ of Piatt County.						
Zone 6: Shelby County.						
Zone 7: De Witt County.						
Zone 8: Western ½ of Moultrie County.						
Zone 9: Macon County.						
Zone 10: Vermilion County.						
Unskilled Laborers:						
Zone 1	$6.15	$0.25	$0.20		$0.035	
Zone 2	5.90	.25	.25		.035	
Zone 3	6.00	.25	.20		.035	
Zone 4	6.05	.15	.20		.035	
Zone 5	6.00	.25	.20		.035	
Zone 6	5.95	.20	.25		.035	
Zone 7	6.05	.15	.25		.035	
Zone 8	6.20		.25		.035	
Zone 9	6.40		.25		.035	
Zone 10	6.05	.20	.30		.035	
Semiskilled:						
Zone 1	6.30	.25	.20		.035	
Zone 2	6.10	.25	.25		.035	
Zone 3	6.20	.25	.20		.035	
Zone 4	6.25	.15	.20		.035	
Zone 5	6.20	.25	.20		.035	
Zone 6	6.15	.20	.25		.035	
Zone 7	6.25	.15	.25		.035	
Zone 8	6.40		.25		.035	
Zone 9	6.50		.25		.035	
Zone 10	6.20	.20	.30		.035	
Jackhammers, gunnite nozzlemen and bricklayer tenders:						
Zone 1	6.35	.25	.20		.035	
Zone 2	6.15	.25	.25		.035	
Zone 3	6.25	.25	.20		.035	
Zone 4	6.30	.15	.20		.035	
Zone 5	6.25	.25	.20		.035	
Zone 6	6.20	.20	.25		.035	
Zone 7	6.30	.15	.25		.035	
Zone 8	6.45		.25		.035	
Zone 9	6.55		.15		.035	
Zone 10	6.25	.20	.30		.035	

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Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3624—36 F.R. 16852, Leavenworth County, Kans., Modification No. 1						
Change power equipment operators:						
Site preparation and grading:						
Group I	$8.00	$0.25	$0.25	$0.50	$0.05	
Group II	7.75	.25	.25	.50	.05	
Group III	7.50	.25	.25	.50	.05	
Group IV:						
Mechanic's helper; oiler	7.25	.25	.25	.50	.05	
Clamshells, 3 yards or over	8.25	.25	.25	.50	.05	
Crane or rigs, 80 feet of boom or over (including jib)	8.25	.25	.25	.50	.05	
Crane or rigs, 200 feet of boom or over	8.50	.25	.25	.50	.05	
Dragline, 3 yards or over	8.25	.25	.25	.50	.05	
Hoisting engine—each additional drum over 1 drum	8.00	.25	.25	.50	.05	
Pile drivers, 80 feet of boom or over (including jib)	8.25	.25	.25	.50	.05	
Shovels, 3 yards or over	8.25	.25	.25	.50	.05	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						
CHANGE:						
Site preparation and grading:						
Truck drivers:						
One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle	7.39	.25	.50	.50		
Material trucks, tandem; two teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley wagons; dump trucks excavation 5 cubic yards and over; dumpsters; halftracks; speedace, Euclids and other similar excavating equipment	7.59	.25	.50	.50		
A-frame—low boy—boom truck drivers	7.99	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers	7.165	.25	.50	.50		
WD No. AM-3622—36 F.R. 16853, Johnson, Leavenworth, Wyandotte, and Miami Counties, Kans., Modification No. 1						
Change power equipment operators:						
Johnson, Leavenworth, and Wyandotte Counties:						
Group I	8.00	.25	.25	.50	.05	
Group II	7.75	.25	.25	.50	.05	
Group III	7.50	.25	.25	.50	.05	
Group IV:						
Mechanic's helper; oiler	7.25	.25	.25	.50	.05	
Clamshells, 3 yards or over	8.25	.25	.25	.50	.05	
Crane or rigs, 80 feet of boom or over (including jib)	8.25	.25	.25	.50	.05	
Crane or rigs 200 feet of boom or over	8.50	.25	.25	.50	.05	
Dragline, 3 yards or over	8.25	.25	.25	.50	.05	
Hoisting engine—each additional drum over 1 drum	8.00	.25	.25	.50	.05	
Pile drivers, 80 feet of boom or over (including jib)	8.25	.25	.25	.50	.05	
Shovels, 3 yards or over	8.25	.25	.25	.50	.05	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						

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Classification	Basic Hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Johnson, Leavenworth, and Wyandotte Counties:						
Truck Drivers:						
One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle	7.39	.25	.50	.50		
Material trucks, tandem; two teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley Wagons; dump trucks excavation 5 cubic yards and over; dumpsters; half-tracks; speedace; Euclids and other similar excavating equipment	7.59	.25	.50	.50		
A frame-low boy-boom truck drivers	7.90	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers	7.165	.25	.50	.50		

MODIFICATIONS	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
WD No. AM-1856—36 F.R. 16285, Lawrence County, Pa., Modification No. 1						
Omit:						
Plumbers and steamfitters: (New Castle)	7.38	.15			.03	
Add:						
Plumbers and steamfitters: Remainder of county	7.38	.15			.03	
WD No. AM-1709—36 F.R. 14880, Camden and Gloucester County, N.J. Modification No. 1						
Change:						
Painters:						
Commercial and Industrial	6.85	.50	.50	.35+f		
Spackling machine	6.85	.50	.50	.35+f		
Steel, bosun chair	7.25	.50	.50	.35+f		
Commercial spray and dipping	7.25	.50	.50	.35+f		
Brushing hazardous material on commercial work	7.65	.50	.50	.35+f		
Brushing hazardous material on steel	7.90	.50	.50	.35+f		
Sandblasting	7.90	.50	.50	.35+f		
Using roller on tanks	7.90	.50	.50	.35+f		
Spraying hazardous material	8.45	.50	.50	.35+f		
Spraying hazardous material on steel on tanks	8.85	.50	.50	.35+f		
Sprinkler fitters	9.165	.25	.40		.02	
WD No. AM-5625—36 F.R. 16849, Shawnee County, Kans., Modification No. 1						
Change (Building Construction):						
Ironworkers:						
Ornamental and structural	8.50	.25	.25	.25	.05	
Reinforcing	8.50	.25	.25	.25	.05	

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Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-1869—36 F.R. 16557, Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, and Roanoke Counties, Va. Modification No. 1						
Omit: Schedule of wage rates for highway construction.						
Add: Schedule of wage rates for highway construction below.						
Counties of Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, and Roanoke						
Asphalt raker	$2.25					
Carpenter structure	3.12					
Carpenter structure helper	2.28					
Concrete finisher	2.75					
Concrete finisher helper	2.05					
Electrician	3.28					
Fireman	2.00					
Form setter road	2.02					
Guardrail erector	2.03					
Ironworkers:						
Reinforcing	2.15					
Reinforcing helper	1.97					
Structural	2.77					
Structural helper	2.22					
Laborer, unskilled	1.60					
Landscape worker	1.97					
Mason structure	2.78					
Mechanic	3.00					
Mechanic helper	2.17					
Painter	2.46					
Painter bridge	2.56					
Pile driver leadsman	2.40					
Pipe layer	2.07					
Powderman blaster	2.87					
Powderman helper	2.50					
Sign erector	1.85					
Truck drivers:						
Heavy duty 7 cy. and under	2.25					
Heavy duty over 7 cy	2.25					
Multi-rear axle	2.20					
Single-rear axle	1.80					
Welders—Rate for craft.						
Power equipment operators:						
Air compressor	2.18					
Asphalt distributor	2.25					
Asphalt paver	2.25					
Backhoe	2.71					
Bulldozer	3.00					
Bulldozer utility	2.45					
Concrete finishing machine	2.35					
Concrete finishing machine, utility	2.25					
Concrete paving machine	2.76					

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Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power equipment operators—Continued						
Cranes, derricks and draglines:						
1 yard and under	2.82					
Over 1 yard	3.20					
Crusher feeder	2.17					
Drill operator	2.32					
Loaders:						
2 yards and under	2.58					
Over 2 yards	3.12					
Mixer box	1.95					
Motor graders:						
Fine grade	3.14					
Rough grade	2.87					
Oiler greaser	2.12					
Pile driver	2.58					
Power tool operator	2.25					
Roller operator	2.32					
Roller, finish	2.25					
Scraper-pan	2.75					
Shovels:						
1 yard and under	2.98					
Over 1 yard	3.00					
Stabilizer operator	2.25					
Stone spreader	2.27					
Subgrade machine	2.66					
Tractor crawler	2.87					
Tractor utility	2.37					
Transit mix truck	2.20					
Trenching machine	2.34					

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Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3616–36 F.R. 16883, Clay, Jackson, Platte and Ray Counties, Mo. Modification No. 1						
CHANGE:						
Heavy and highway construction:						
Laborers:						
Carpenter tenders, salamander tenders, dump man and ticket takers on stock piles, loading trucks under bens hoppers and conveyors, track men and all other general laborers	$6.73	$0.40	$0.40	$0.50	$0.10	
Air tool operator, cement handler—bulk or sack, chain or concrete saw, deck hands, dump man on earth fill, grade checkers on cuts and fills, Georgia buggie man, material batch hopper man, scale man, spreader or screed man on asphalt machine, material mixer man (except on man holes), coffer dams, abutments and pier hole men working below ground, riprap pavers—rock, block, or brick, signal man, scaffolds over 10 feet not self-supported from ground up, skipman on concrete paving, vibrator man, wire mesh setters on concrete paving, all work in connection with sewer, water, gas, gasoline, and oil; drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations, form setter helpers, puddlers (paving only)	6.825	.40	.40	.50	.10	
Crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material or materials (where special protection is required), head pipe layer on sewer work, topper of standing trees, batter board man on pipe and ditch work, feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work, all laborers working on underground tunnels where compressed air is not used	6.925	.40	.40	.50	.10	
Laser beam man, asphalt raker, barco tamper, jackson or any other similar Tampen, wagon driller, churn drills, air track drills and all similar drills, cutting torch man, form setters, liners and stringline men on concrete paving, curb, gutters and etc., hot mastic kettleman, hot tar applicator, hand blade operators, manhole builder helpers and mortar men on brick or block manholes, sand blasting and gunnite nozzle men, rubbing concrete, air tool operator in tunnels	7.50	.40	.40	.50	.10	
Manhole builder—Brick or block, dynamite and powder men, welder	7.15	.40	.40	.50	.10	
Truck Drivers:						
One team; station wagons; pickup truck; material trucks, single axle; tank wagon drivers, single axle	7.39	.25	.50	.50		
Material trucks, tandem; two teams; semitrailers; winch trucks—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley wagons; dump trucks, excavation, 5 cubic yards and over; dumpsters; half-tracks; speedace; Euclids and other similar excavating equipment	7.59	.25	.50	.50		
"A" frame-low boy-boom truck driver	7.90	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers	7.165	.25	.50	.50		

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FRIDAY, SEPTEMBER 10, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 176

PART II

Subversive Activities Control Board

■

Rules of Procedure

Proceedings under Executive Order No. 11605

Title 28—JUDICIAL ADMINISTRATION

Chapter II—Subversive Activities Control Board

PART 201—RULES OF PROCEDURE

Proceedings Under Executive Order No. 11605

By virtue of the authority delegated to it by the President in section 2 of Executive Order No. 11605 of July 2, 1971, and pursuant to subsection (j) of said section 2, the Subversive Activities Control Board hereby issues these regulations governing determinations to be made by the Board in accordance with section 12 of Executive Order No. 10450 of April 27, 1953, as amended by Executive Order No. 11605.

Accordingly, 28 CFR Part 201 is amended as follows:

1. The present content of Part 201 is redesignated as "Subpart A—Proceedings under the Subversive Activities Control Act of 1950."

2. A new Subpart B is added to read:

Subpart B—Proceedings Under Executive Order 11605

Sec.

AUTHORITY: The provisions of this Subpart B issued under sec. 2, E.O. 11605, 36 F.R. 12831.

Subpart B—Proceedings Under Executive Order 11605

§ 201.51 Hearings and determinations under Executive Order 11605.

Hearings and determinations as herein provided are entirely separate and apart from and are in no manner or way connected with hearings and determinations made by the Board under the Internal Security Act of 1950, as amended.

§ 201.52 Hearings to be conducted expeditiously.

It is the policy of the Board that to the extent practical and consistent with procedural due process, the hearings herein provided for, shall be conducted expeditiously and that all efforts be made to avoid delay.

§ 201.53 Petitions under section 2(c).

Petitions of the Attorney General instituting proceedings by the Board under subsection (c) of section 2 of Executive Order No. 11605 shall be signed by the Attorney General or his delegate. Each such petition shall contain a concise statement sufficient to give the organization notice as to the facts from which the Attorney General has reason to believe that the organization meets the standards for designation.

§ 201.54 Petitions under section 2(i).

Petitions of the Attorney General instituting proceedings by the Board under the first sentence of subsection (i) of section 2 of Executive Order 11605 shall be signed by the Attorney General or his delegate. Each such petition shall set forth the last known address of the organization, the date when it reasonably can be said that the organization ceased to exist, and any relevant circumstances pertaining thereto.

§ 201.55 Petitions of the Attorney General or an organization under section 2(i).

Petitions instituting proceedings under the second sentence of subsection (i) of section 2 of Executive Order 11605 shall be signed by the Attorney General or his delegate, or in the case of a petitioning organization, by someone authorized to act for, and on behalf of the organization. Each such petition shall contain a concise statement of the facts upon which the petitioner relies in asserting that the organization does not currently meet the standards for designation.

§ 201.56 Service of papers.

A copy of any petition filed by the Attorney General under §§ 201.53, 201.54, and 201.55 shall be served on the organization involved by mailing the same by registered mail directed to the last known address of the organization. If the copy of the petition is not delivered and is returned by the U.S. Postal Service, the Attorney General shall notify the Board in writing. Upon the receipt of such notice the Board shall cause a copy of the petition, together with a copy of the Board's notice fixing the time and place for hearing, to be published in the FEDERAL REGISTER. A copy of any petition filed under § 201.55 by or on behalf of an organization shall be sent by the Board to the Attorney General, together with a copy of the Board's notice fixing the time and place of hearing.

§ 201.57 Parties to proceedings.

The Attorney General and any organization involved in any proceeding governed by these rules shall constitute the parties to the proceeding. Where desirable to develop a full and complete record Board counsel may, with the approval of the hearing member or members, participate as may be appropriate.

§ 201.58 Answers.

Any organization named in a petition filed by the Attorney General under §§ 201.53, 201.54, and 201.55 may, within 20 days from the date of the Attorney General's petition, file with the Board and serve upon the Attorney General a reply to the petition setting forth the organization's statement of facts which the organization believes explains or controverts the facts alleged by the Attorney General. Similarly, in proceedings brought by an organization under § 201.55, the Attorney General may file and serve a written reply to the petition.

§ 201.59 Hearings to be public.

Determinations to be made by the Board will be based on oral testimony taken under oath or affirmation and documentary evidence adduced at open, public hearings. The hearing member or members may make suitable arrangements for depositions.

§ 201.60 Notice of hearing.

No sooner than 30 days and no later than 45 days after the filing of a petition under either of §§ 201.53, 201.54, and 201.55, the Chairman of the Board, or, in his absence, the Vice Chairman, will set a time and place for hearing and so notify the parties, and will designate not more than three members of the Board to conduct the hearing. Unless not feasible or practicable in the circumstances of a particular proceeding, the hearing will be held at, or as near to as is practicable, the geographical location of the last known address of the organization.

§ 201.61 Obstruction of hearing.

Misconduct at any hearing which obstructs the hearing shall be grounds for summary exclusion from the hearing room.

§ 201.62 Rights of parties.

Each party to a proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. A stenographic transcript shall be taken of all testimony given and oral statements made during a hearing. Copies of the stenographic transcript may be purchased upon the payment of the fees fixed by the Board.

§ 201.63 Parties failing to appear.

Where one of the parties involved in a proceeding declines or fails to appear at a hearing, the hearing member or members will, nevertheless, proceed to receive such relevant evidence as is offered by the other party or parties.

§ 201.64 Recommended decision.

At the conclusion of the hearing, the hearing member or members may allow the parties to submit proposed findings and determination and shall, upon consideration thereof, file with the Board and the parties thereto the recommended findings of fact and the recommended determination of the hearing member or members. Within 15 days after the filing of the recommended findings and recom-

mended determination, or within such additional times as the Board for good cause shown may fix, each party may file with the Board and serve on the other party or parties a memorandum of exceptions to any of the recommendations and the reasons for such exceptions. If requested by any party or upon its own motion the Board may, in its discretion, hear oral argument on the exceptions in such manner and under such circumstances as the Board may deem appropriate.

§ 201.65 Decision of Board.

The Board will in each proceeding issue its written findings and determination and serve a copy thereof upon each party to the proceeding. In proceedings under subsection (c) of section 2 of Executive Order No. 11065 in which it is determined that an organization is of a type defined in said subsection, the Board's findings will include wherever obtainable from the record: The date when the organization became the type it is determined to be; a description of the origin, history, aims, and purposes of the organization; leadership of the organization; the geographical areas or areas in which the organization has operated; and, any other facts of a specialized nature respecting the organization. In proceedings under §§ 201.54 and 201.55 the findings of the Board will include the date when an organization ceased to be of the type involved if such a change occurred.

§ 201.66 Form of papers.

All petitions, replies to petitions, and other papers filed in proceedings governed by these regulations may be printed or typewritten or reproduced by any process, provided the copies are clear and legible. Documents other than correspondence and exhibits should be on strong, durable paper not more than 8½ inches wide and 12 inches long, with a left-hand margin 1½ inches wide. An original and three copies of all papers will be required.

§ 201.67 Computation of time.

In computing time under these regulations, the day on which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday.

§ 201.68 Offices.

All petitions and other papers filed in proceedings under this part may be delivered by hand or mailed to the Office of the Executive Secretary of the Board at Room 500, 2120 L Street NW., Washington, DC 20037. The Board's telephone number is Area Code 202, 254–3958.

Effective date. These regulations are to be effective upon publication in the FEDERAL REGISTER (9–10–71).

JOHN W. MAHAN,
Chairman, Subversive Activities Control Board.

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