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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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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to show that not to exceed 20 positions of Health Examination Representative, grades GS 7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Health Examination Statistics, are excepted under Schedule A.

Effective on publication in the FEDERAL REGISTER (10-29-71), paragraph (i) is added to § 213.3116 as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS 7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Health Examination Statistics.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.71-15717 Filed 10-28-71;8:47 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Special Assistant to the Secretary (Communications) is no longer excepted under Schedule C and that one position of Special Assistant to the Assistant to the Secretary and Director of Communications is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-29-71), subparagraph (15) is revoked and subparagraph (35) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(15) [Revoked]

(35) One Special Assistant to the Assistant to the Secretary and Director of Communications.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.71-15789 Filed 10-28-71;8:53 am]

PART 213—EXCEPTED SERVICE

Department of the Interior; Correction

In the FEDERAL REGISTER (F.R. Doc. 71-15329) of October 21, 1971, on page 20351 subparagraph (31) was added to paragraph (a) of § 213.3312; this subparagraph should have been numbered subparagraph (33).

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.71-15788 Filed 10-28-71;8:53 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Staff Assistant to one Special Assistant to the Administrator is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-29-71), paragraph (o) of § 213.3318 is amended as set out below.

§ 213.3318 Environmental Protection Agency.

(o) One Staff to a Special Assistant to the Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.71-15787 Filed 10-28-71;8:53 am]

Title 7—AGRICULTURE

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

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Control Percentages for 1971-72 Marketing Year

Notice was published in the October 5, 1971, issue of the FEDERAL REGISTER (36 F.R. 19390) regarding a proposal to establish marketable and surplus percentages for walnuts during the 1971-72 marketing year. The year began August 1, 1971. The proposal was unanimously recommended by the Walnut Control Board. The establishment of such percentages is in accordance with the relevant provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

The marketable and surplus percentages are pursuant to § 984.49(b) of the walnut marketing agreement and order program. These percentages are based on Walnut Control Board estimates of supply, and inshell and shelled trade demands adjusted for handler carryover, for the 1971-72 marketing year. The total 1971-72 supply subject to regulation is estimated at 124 million kernelweight pounds. Inshell and shelled trade demands adjusted for handler carryover are estimated at 28.9 and 67.8 million kernelweight pounds, respectively. The estimated adjusted total demand (inshell and shelled demands) is 96.7 million kernelweight pounds. The trade demand area includes the United States, Puerto Rico, and Canal Zone.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of marketable and surplus percentages as hereinafter set

forth will tend to effectuate the declared policy of the act.

Therefore, the marketable and surplus percentages for walnuts during the 1971-72 marketing year are established as follows:

§ 984.218 Marketable and surplus percentages for walnuts during the 1971-72 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1971, shall be as follows:

	California— District 1	Oregon— Washing- ton— District 2
Marketable percentages.....	78	89
Surplus percentages.....	22	11

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that marketable and surplus percentages designated for a particular marketing year shall be applicable to all walnuts during such year; and (2) the current 1971-72 marketing year began August 1, 1971, and the percentages established herein will automatically apply to all such walnuts beginning with such date.

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

Dated: October 22, 1971.

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

[FR Doc.71-15734 Filed 10-28-71; 8:49 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Preliminary Free and Reserve Percentages and Designation of Countries for Export Sale of Reserve Natural Thompson Seedless Raisins

Notice was published in the September 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 18959) regarding proposals to designate for natural Thompson Seedless raisins for the 1971-72 crop year: (1) A preliminary free tonnage percentage which would release not less than 65 percent of the desirable free tonnage of 131,250 tons (36 F.R. 20150) for such raisins; and (2) certain countries for export sale by handlers of reserve tonnage raisins.

The proposals were based on a recommendation of the Raisin Administrative Committee and other available information. The Committee is established under, and its recommendations are made in accordance with, the provisions of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part

989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposals. Comments were received from the Raisin Administrative Committee within the time provided in the notice for their receipt, and such time expired October 8, 1971.

At its meeting of October 4, 1971, the Committee estimated that the 1971 production of natural Thompson Seedless raisins would approximate 180,000 tons. Pursuant to § 989.54(b) of the order, the Committee, in its written comments filed pursuant to the notice, unanimously recommended a preliminary free tonnage percentage of 65 percent for such raisins. Designation of such percentage pursuant to § 989.55 of the order will release about 117,000 tons (about 89 percent) of the desirable free tonnage (131,250 tons). In said notice published September 24, 1971, a preliminary free tonnage percentage was proposed which would release not less than 65 percent (i.e., 85,300 tons) of the desirable free tonnage of 131,250 tons. Designation of a preliminary free tonnage percentage of 65 percent would enable handlers to use about 31,700 tons more of their acquisitions of 1971 crop natural Thompson Seedless raisins as free tonnage than the minimum (85,300 tons) proposed in said notice. Producers thereby would obtain earlier payment on a larger proportion of the free tonnage. The field price for such raisins was firmly established September 20, 1971.

As provided in § 989.54(b), the difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. Thus, the Committee in its written comments also recommended a preliminary reserve tonnage percentage of 35 percent.

Pursuant to § 989.67(c) of the order, the Committee also unanimously recommended that the countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers, be the same as those for the 1970-71 crop year.

After consideration of all relevant matter presented, including that in the notice, written comments received pursuant to the notice, the information and recommendation of the Committee, and other available information, it is found that: (1) Designating preliminary free and reserve percentages for natural Thompson Seedless raisins for the 1971-72 crop year as 65 percent and 35 percent, respectively; and (2) for the purposes of § 989.67(c), the countries listed in § 989.221, which is hereinafter set forth, as the countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers, will tend to effectuate the declared policy of the act. Therefore, it is ordered as follows:

§ 989.229 Free and reserve percentage for the 1971-72 crop year.

The preliminary percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1971, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Preliminary free tonnage percentage, 65 percent; and preliminary reserve tonnage percentage, 35 percent.

The countries for export sale by handlers of reserve tonnage raisins shall be those listed in § 989.221 which reads as follows:

§ 989.221 Countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers.

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For purposes of this section, "Western Hemisphere" means the area east of the international dateline and west of 30° W. longitude but excluding all of Greenland and Mexico. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for the purposes of § 989.67(c).

It is further found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The percentages designated herein for a crop year apply to all standard natural Thompson Seedless raisins acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1971, and the preliminary free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; and (3) the designation of countries to which sale of reserve raisins may be made should become effective immediately so that handlers can proceed accordingly and with certainty in planning and conducting their export sales of such raisins.

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

Dated: October 22, 1971.

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

[FR Doc.71-15767 Filed 10-28-71; 8:51 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 106]

PART 1106—MILK IN THE OKLAHOMA METROPOLITAN MARKETING AREA

Redesignation of Effective Date of Suspension of Certain Provisions

This order redesignates the effective date of the suspension of provisions

specified herein of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area. An order issued May 28, 1971 (36 F.R. 10775) pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), suspended the specified provisions effective June 15, 1971. The effective date was redesignated as September 1, 1971, by an order issued June 11, 1971 (36 F.R. 11511) and subsequently was redesignated as November 1, 1971, by an order issued August 27, 1971 (36 F.R. 17492).

The effective date of suspension is hereby changed to January 1, 1972, with respect to the following provisions of the Oklahoma Metropolitan order:

1. In § 1106.9, paragraph (c).
2. In § 1106.11, the portion of paragraph (c) which reads: "which owns or operates a plant described in § 1106.9 (c)."

Statement of consideration. This order defers until January 1, 1972, the effective date of the suspension of the provisions of the Oklahoma Metropolitan milk order under which a cooperative association may designate pool status for a plant operated by the cooperative association.

Delay of the effective date will allow plants currently pooled under this provision to continue in such status pending a decision on the record of a public hearing commenced August 24, 1971, in which pooling of such plants was an issue.

It is therefore ordered, That the effective date of the suspension with respect to the above designated order provisions is January 1, 1972.

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

Signed at Washington, D.C., on October 22, 1971.

RICHARD E. LYG, Assistant Secretary.

[FR Doc.71-15733 Filed 10-28-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11465; Amdt. 39-1326]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Model PC-6 (Heli-Porter) Airplanes Manufactured by Fairchild Hiller

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive was adopted on October 8, 1971, and made effective as to all known U.S. operators of Pilatus Model PC-6 (Heli-Porter) airplanes manufactured by Fairchild Hiller. The directive requires inspection of the alleron, elevator, rudder, flap, and trim control cable turnbuckle safety wires for wire type and method of safetying.

Safety wires that do not meet the size and corrosion resistance specifications and the method of safetying specifications of Military Standards (MS) 20995 and 33591, respectively, must be replaced by safety wires that meet those specifications or FAA-approved equivalents.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Pilatus Model PC-6 (Heli-Porter) airplanes manufactured by Fairchild Hiller by individual airmail letters dated October 9, 1971. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

PILATUS AIRCRAFT. Applies to Pilatus Model PC-6 (Heli-Porter) airplanes manufactured by Fairchild Hiller.

Compliance is required as indicated.

(a) Before further flight, unless already accomplished, inspect the alleron control cable turnbuckles for safety wires that meet the size and corrosion resistance specifications and the method of safetying specifications of Military Standard 20995C47 and Military Standard 33591, respectively, or FAA-approved equivalents.

(b) Within the next 50 hours' time in service after the effective date of this AD or before November 15, 1971, whichever occurs sooner, inspect the rudder, elevator, and flap control cables turnbuckles for safety wires that meet the size and corrosion resistance specifications of Military Standard 20995C47 and Military Standard 33591, respectively, or FAA-approved equivalents.

(c) If turnbuckle safety wires are found that do not meet the size or corrosion resistance specifications or the method of safetying specifications of Military Standard 20995C47 and Military Standard 33591, respectively, or FAA-approved equivalents, during an inspection required by paragraph (a) or (b), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repairs can be performed, replace affected turnbuckle safety wires with safety wires that meet those specifications or FAA-approved equivalents.

(d) Within the next 50 hours' time in service after the effective date of this AD or before November 15, 1971, whichever occurs sooner, inspect the rudder and elevator trim cable turnbuckles for safety wires that meet the size and corrosion resistance specifications and the method of safetying specifications of Military Standard 20995C32 and Military Standard 33591, respectively, or FAA-approved equivalents.

(e) If turnbuckle safety wires are found that do not meet the size or corrosion resistance specifications or the method of safetying specifications of Military Standard 20995C32 and Military Standard 33591, respectively, or FAA-approved equivalents, during an inspection required by paragraph (d), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repairs can be performed, replace affected turnbuckle safety wires with safety wires that meet those specifications or FAA-approved equivalents.

(Fairchild Hiller Service Letter PC-6-27-2, dated July 20, 1971, refers to this subject.)

This amendment is effective upon publication in the FEDERAL REGISTER (10-29-71), as to all persons except those persons to whom it was made effective immediately upon receipt of the airmail letter dated October 9, 1971, which contained this amendment.

(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 Washington, D.C., on October 21, 1971.

JAMES F. RUDOLPH, Director, Flight Standards Service.

[FR Doc.71-15719 Filed 10-28-71;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-52; Amdt. 1]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Definition of Study Group

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of October 1971.

By a notice of proposed rule making,¹ the Board proposed to amend Part 373 of its special regulations (14 CFR Part 373), so as to liberalize the definition of "study group" therein contained.

Comments in response to the notice of proposed rule making were filed by the American Institute for Foreign Study and the Foreign Study League, jointly, by the American International Academy, and by the National Air Carrier Association, Inc. Since all three comments favor adoption of the proposed rule, we have determined to adopt the rule as proposed.

Since this amendment relieves a restriction and imposes no burden upon any person, it may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 of the special regulations (14 CFR Part 373), effective October 22, 1971, as follows:

Amend the definition of "study group" in § 373.2 to read as follows:

§ 373.2 Definitions.

"Study group" means a charter group comprised solely of bona fide participants in a formal academic course of study abroad which is of at least 4 weeks' duration, and in which (1) the charterer is an educational institution or (2) such a study course is conducted at one or more foreign educational institutions abroad and includes a minimum of 15 hours of classroom instruction per week for 4 weeks of such study course: *Provided, however,* That nothing contained herein shall preclude a study group charterer from utilizing any unused space on

¹ SPDR-24, dated Aug. 20, 1971.

an aircraft chartered by it pursuant to this part for the transportation, on a free or reduced-rate basis, of such charterer's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

(Secs. 101(3), 101(33), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, and 757; 49 U.S.C. 1301, 1324, 1371, and 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 71-15766 Filed 10-28-71; 8:51 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 200—FEATHER AND DOWN PRODUCTS INDUSTRY

PART 253—GUIDES FOR THE FEATHER AND DOWN PRODUCTS INDUSTRY

Advertising and Labeling

Guides for the feather and down products industry as hereinafter set forth have been adopted by the Commission to afford guidance as to the legal requirements applicable to the advertising and labeling of industry products in the interest of protecting the public and effecting more widespread and equitable observance of the laws administered by the Commission. It is the Commission's belief that the more knowledge businessmen have as to the requirements of laws designed to protect the consumer and foster open and fair competition, the greater the likelihood that they will conform to those laws, with attendant benefits to both the public and the business community.

Trade Practice Rules for this industry were promulgated by the Commission on April 26, 1951. Since that time changes in availability of raw materials, new testing procedures and technology, recent scientific studies, and court decisions indicated that a revision of the rules was needed. Thus, these guides, a revision of the trade practice rules, reflect these developments.

Proceedings to establish these guides were instituted pursuant to an industry application. Proposed guides were thereafter released on August 15, 1969, by the Commission to afford interested or affected parties an opportunity to present the Commission with their views, suggestions, objections, or other information concerning the proposed guides and a public hearing was also held at which further information was presented. After full consideration of all comments that were received, and other pertinent information, the Commission adopted the guides in their present form.

While the guides are interpretive of laws administered by the Commission

and thus are advisory in nature, proceedings to enforce the requirements of law as explained in the guides may be brought under the Federal Trade Commission Act (15 U.S.C. secs. 41-58). Briefly stated, the Federal Trade Commission Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce," as commerce is defined therein.

The content of these guides is not to be construed as an expression of opinion concerning the relative merits of the various materials used in the manufacture of the products of this industry. Rather, the disclosure provisions of the guides are intended to insure that the consumer is not deceived into thinking he is receiving one material when actually he is furnished another.

The guides become effective for products manufactured or assembled after December 29, 1971. These guides supersede the trade practice rules for the feather and down products industry as promulgated on April 26, 1951 (16 CFR Part 200).

The guides were originally promulgated September 23, 1970, and were to become effective on November 22, 1970. However, at the request of the Association of Bedding and Furniture Law Officials, and certain industry members, the Commission deferred indefinitely the effective date of the guides. Both State law enforcement officials and industry members expressed concern with the provisions of guide 6(c)(2) (§ 253.6(c)(2)), which prescribed the use of tolerances in connection with blended filling materials.

On the basis of further study and in order to cooperate fully with State enforcement programs the Commission has concluded that a resumption of the use of such tolerances, which had been permitted under the mentioned trade practice rules and under the proposed guides released for comment, should be permitted on an interim and temporary basis pending the completion and evaluation of the results of large-scale tests and analyses in State laboratories.

The results of these many analyses of industry products will be collated and made available to the Commission in order that it may use them in determining whether the continued use of the tolerances is justified in the public interest.

Inquiries and requests for copies of the guides should be directed to the Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

Sec.	Definitions.
253.1	Misrepresentation in general.
253.2	Use of trade names, symbols, depictions, etc.
253.3	Misuse of the term "Tan-O-Quill-QM".
253.4	Disclosure of filling material.
253.5	Tolerances in filling material.
253.6	Crushed feathers.
253.7	Damaged feathers.
253.8	Secondhand filling material.
253.9	Cleanliness of filling material.
253.10	Disclosure as to size.
253.11	

Authority: The provisions of this Part 253 issued under secs. 5, 6, 38 Stat. 719, as amended 721; 15 U.S.C. 45, 46.

§ 253.1 Definitions.

(a) *Industry products.* For the purposes of this part the term "industry products" means and includes all pillows, cushions, comforters, sleeping bags, wearing apparel, and similar products, which are wholly or partially filled with feathers or down, and all bulk stocks of processed feathers or down intended for use or used in the manufacture of such products.

(b) *Industry members.* All persons, firms, corporations, and organizations engaged in the processing, manufacture, distribution, or marketing of any industry product are considered to be industry members.

(c) *Filling material.* Means the contents of an industry product including feathers and down of any kind or type.

(d) *Down.* Means the undercoating of waterfowl, consisting of clusters of light, fluffy filaments, i.e., barbs, growing from the quill point but without any quill shafts.

(e) *Plumules.* Means downy waterfowl plumage with underdeveloped soft and flaccid quill with barbs indistinguishable from those of down.

(f) *Down fiber.* Means the detached barbs from down and plumules and the detached barbs from the basal end of waterfowl quill shaft which are indistinguishable from the barbs of down.

(g) *Feathers.* Means the plumage or out-growth forming the contour and external covering of fowl which are whole in structure and which have not been processed in any manner other than by washing, dusting, chemical treatment, and sanitizing.

(h) *Waterfowl feathers.* Means feathers derived from ducks and geese.

(i) *Nonwaterfowl feathers or landfowl feathers.* Means feathers derived from chickens, turkeys, and other landfowl.

(j) *Quill feathers.* Means feathers which are over 4 inches in length or which have a quill point exceeding six-sixteenths of an inch in length.

(k) *Feather fiber.* Means the detached barbs of feathers which are not joined or attached to each other.

(l) *Crushed feathers.* Means feathers which have been processed by a curling, crushing, or chopping machine which has changed the original form of the feathers without removing the quill. The term also includes the fiber resulting from such processing.

(m) *Damaged feathers.* Means feathers which have been broken, damaged by insects, or otherwise materially injured.

(n) *Residue.* Means quill pith, quill fragments, trash or foreign matter (Guide 1).

§ 253.2 Misrepresentation in general.

(a) An industry product should not be labeled, advertised, or otherwise represented in any manner which may have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning its filling material, covering, composition, quality, processing, testing, manufacture,

durability, size, weight, maintenance, cleanliness, construction, warmth, moisture resistance, color, guarantee, origin, price, or any other feature of such product.

(b) Coverings of industry products should be labeled in accordance with the requirements of the Textile Fiber Products Identification Act and the Wool Products Labeling Act (Guide 2).

§ 253.3 Use of trade names, symbols, depictions, etc.

A trade name, symbol, depiction, or any other kind of representation, should not be used in labeling, in advertising, or in any other kind of promotion relating to an industry product, when such representation has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into believing that the product is composed:

(a) In whole or in part of feathers and down, or feathers, or down, when such is not the fact; or

(b) In whole or in part of feathers or down from a particular type of fowl when such is not the fact; or

(c) That the product has been given chemical treatment to improve its physical or chemical properties when such is not the fact (Guide 3).

§ 253.4 Misuse of the term "Tan-O-Quil-QM".

(a) The term "Tan-O-Quil-QM" or any words or phrases suggestive thereof should not be used in any labeling or advertising respecting an industry product in any manner which may have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into believing that the product or any of its filling material has been treated by the Tan-O-Quil-QM process unless in fact all of the filling material in that product has been treated by the Tan-O-Quil-QM process developed by the Clothing and Organic Materials Laboratory, U.S. Army Natick Laboratories, Natick, Mass., in accordance with applicable U.S. Government specifications (this process is described in Technical Report 69-37-CM, "Tan-O-Quil-QM Treatment for Feathers and Down," dated August 1968).

(b) When the Tan-O-Quil-QM treatment has been applied to all of the filling materials contained in an industry product, the term "Tan-O-Quil-QM" may be used on the label, and the label should include a statement that the product has been so treated in accordance with the applicable U.S. Government specification showing the number thereof (Guide 4).

§ 253.5 Disclosure of filling material.

(a) *Labeling.* An industry product should be labeled as to the kind or type of filling material contained therein and when the filling material consists of a mixture of more than one kind or type, then the proportion of each should be disclosed in the order of predominance, the largest proportion first.

(b) *Advertising.* Disclosure of the kind or type of filling material contained

in an industry product need not be made in advertising unless in the absence of disclosure a purchaser or prospective purchaser may likely be deceived. Thus, if advertising contains any representation, whether affirmative or implied, concerning the nature of the filling material, then disclosure should be made in accordance with paragraph (a) of this section.

(c) *Bulk stocks.* Invoices pertaining to bulk stocks of processed feathers and down should disclose the kind or type of feathers and down contained therein, and if more than one kind or type is contained in the bulk stock then the proportion of each should be disclosed in the order of predominance, the largest proportion first.

(d) *Manner and form of disclosures.* The disclosures described in paragraphs (a), (b), and (c) of this section should be made in accordance with the following instructions.

(1) Disclosures with respect to the kind or type of feathers and down by use of any of the terms listed and defined above will be considered proper provided such products conform to the definitions set forth for such term, except that if the term "nonwaterfowl" or "landfowl" is used, it should be accompanied by the name of the fowl from which the products were obtained, e.g., "chicken" or "turkey."

(2) Disclosures made in accordance with this part should be clear and conspicuous, and labels bearing such disclosures should be attached to the product with sufficient permanency so as to remain thereon until after sale to the ultimate purchaser.

(3) The proportion or percentage of a particular kind or type of feathers or down in an industry product should be determined by the relationship between the avoirdupois weight that the particular kind or type bears to the total avoirdupois weight of the filling material in the product (Guide 5).

§ 253.6 Tolerances in filling material.

(a) *Down products.* The term "down" may be used to designate any industry product containing the following filling material:

	Percent
(1) Down, plumules, and down fiber (minimum)	80
Consisting of:	
Down and plumules (minimum)	70
Down fiber (maximum)	10
(2) Remainder	20
Consisting of:	
Down fiber, waterfowl feather fiber, and waterfowl feathers, and—	
Nonwaterfowl feathers and nonwaterfowl feather fiber (maximum)	2
Residue (maximum)	2

(b) *Waterfowl feather products.* The term "waterfowl feathers" may be used to designate any plumage product containing the following filling material which is free of quill and crushed feathers:

	Percent
Waterfowl feathers (minimum)	80
Nonwaterfowl feathers (maximum)	8
Residue (maximum)	2

(c) *Percentage claims.* An industry member should not misrepresent directly or indirectly the percentage of down contained in an industry product. Illustratively,

(1) A product should not be designated as "100 percent down," "all down," "pure down," or by other terms of similar import unless it in fact contains only down without regard to the tolerance set forth in this section.

(2) A product should not be represented to contain a certain percentage of feathers or down unless it in fact contains the stated percentage with due regard to the tolerances set forth in this section.

(d) *Designation of species.* An industry product may be designated by the name of a waterfowl species if a minimum of 90 percent of the waterfowl plumage contained therein is of that species.

(e) *Testing.* Tests to determine the composition of the filling material in an industry product should be conducted in accordance with Federal Standard 148a, dated December 10, 1964, entitled "Classification, Identification, and Testing of Feather Filling Material."

(f) *Adulteration.* The tolerances set forth in this section are not to be construed to permit intentional adulteration (Guide 6).

§ 253.7 Crushed feathers.

An industry product which contains crushed feathers should be labeled with a clear and conspicuous disclosure of that fact. A crushed feather product should not contain residue in excess of 5 percent of the weight of the crushed feathers contained therein (Guide 7).

§ 253.8 Damaged feathers.

An industry product which contains damaged feathers in an amount in excess of 2 percent of the total weight of the filling material should be labeled with a clear and conspicuous disclosure that it contains damaged feathers (Guide 8).

§ 253.9 Secondhand filling material.

(a) An industry product which contains any filling material which has previously been used should not be offered for sale unless a clear and conspicuous disclosure of that fact is made on the label thereof and in all advertising and invoices relating to such product.

(b) In making the disclosure referred to in paragraph (a) of this section the term "secondhand" may be used. However, such terms as "reworked," "reprocessed," or terms of similar import should not be used unless they are accompanied by a clear and conspicuous statement that such material is not new or has previously been used (Guide 9).

§ 253.10 Cleanliness of filling material.

(a) An industry product which contains filling materials which have not been cleaned so as to meet the standard

set forth in paragraph (b) of this section should not be offered for sale or sold.

(b) A test such as that reflected in Federal Standard 148a, dated December 10, 1964, entitled "Classification, Identification, and Testing of Feather Filling Material," should be used to determine whether feathers and down have been properly cleaned. Feather and down material having an oxygen number exceeding 20 grams of oxygen per 100,000 grams of sample should be presumed not to have been properly cleaned (Guide 10).

§ 253.11 Disclosure as to size.

(a) *Sleeping bags.* The sizes of sleeping bags should be disclosed by labeling and such sizes should be expressed in terms of the finished length and width measurements of the bag in inches qualified by the words "Finished Size". If any representation of the "Cut Size" or the dimension of the materials used in the construction of sleeping bags, are made in labeling, advertising, marking, or otherwise, the provisions of the Commission's Trade Regulation Rule on the "Advertising and Labeling as to Size of Sleeping Bags" should be followed (see Part 400 of this chapter).

(b) *Comforters, etc.* The sizes of comforters and other similar industry products should be disclosed by labeling and such sizes should be expressed in terms of the finished length and width measurements in inches exclusive of any fringe ornamentation.

(c) *Pillows, cushions, etc.* The sizes of pillows, cushions, and other similar industry products, when disclosed by labeling, should be expressed in terms of finished measurements in inches qualified by the words "Finished Size." This statement may be followed in parentheses by a notation of product measurement in inches prior to finishing, such parenthetical expression to include the phrase "Cut Size." Thus, an example of proper size marking when a pillow has a finished size of 21" x 27" and a cut size of 22" x 28", and disclosure is made of the cut size, would be:

Finished Size 21" x 27" (Cut Size 22" x 28")

(Guide 11).

Promulgated by the Federal Trade Commission October 29, 1971.

[SEAL]

CHARLES A. TORIN,
Secretary.

[FR Doc.71-15484 Filed 10-28-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Tewaukon National Wildlife Refuge,
N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-29-71).

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Public bow hunting of deer on the Tewaukon National Wildlife Refuge, N. Dak., is permitted from Noon, December 3, 1971, through December 31, 1971, on the entire refuge as posted. This area, comprising 7,929 acres, is delineated on maps available at refuge headquarters, Cayuga, N. Dak. 58013, 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.

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 31, 1971.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon
National Wildlife Refuge,
Cayuga, N. Dak.

OCTOBER 20, 1971.

[FR Doc.71-15714 Filed 10-28-71;8:47 am]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge,
N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (10-29-71).

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,470 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1971, through March 28, 1972, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 28, 1972.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon
National Wildlife Refuge,
Cayuga, N. Dak.

OCTOBER 20, 1971.

[FR Doc.71-15715 Filed 10-28-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Rel. Nos. IC-6783 33-5203]

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

"Public Offering" as Related to Small Business Investment Companies

On August 2, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6635, Securities Act Release No. 5173) (36 F.R. 16594) that it had under consideration the repeal of Rule 3c-1 under the Investment Company Act of 1940 (17 CFR 270.3c-1), and Rule 151 under the Securities Act of 1933 (17 CFR 230.151) and invited all interested persons to comment upon the proposed repeal on or before September 2, 1971. The repeal of the rules was proposed because the repeal of section 304(c) of the Small Business Act and the amendments of § 107.1001 thereunder raised a substantial question whether Rule 3c-1 and Rule 151 continued to serve any purpose. The Commission received no comments on the proposal within the time prescribed.

Both Rule 3c-1 and Rule 151 provide that the term, "public offering" as used in section 3(c)(1) of the Investment Company Act (15 U.S.C. 80a-3(c)(1)) and section 4(2) of the Securities Act (15 U.S.C. 77d(2)), respectively, should not be deemed to include an offer or sale of the capital stock of an SBIC licensed under the Small Business Act to small business concerns pursuant to section 304 of that Act, provided certain conditions were met.

In 1960, the Small Business Act was amended to provide that small business concerns were no longer required to buy stock in the investment company, but retained a right to buy stock if they wished (Public Law 86-502, section 304(c)) [15 U.S.C. 684]. The Commission also amended the two rules to make them consistent with the 1960 amendments to the Small Business Act.

On October 11, 1967 Congress repealed section 304(c) of the Small Business Act effective January 9, 1968 (Public Law No. 90-104). The Senate Committee on Banking and Currency stated that the reason was that section 304(c) gave rise to numerous "administrative and regulatory problems" (Senate Report No. 368 to accompany S. 1862, Committee on Banking and Currency of the U.S. Senate, June 27, 1967).

Following repeal of section 304(c) the Small Business Administration on January 9, 1968 amended its § 107.1001 to read:

No funds may be provided by a licensee SBIC for:

(a) *Relending, reinvesting, etc.* Relending or reinvesting by the small business concern * * *

(b) *Financing licensees.* Use directly, or indirectly to purchase stock in or otherwise provide capital for a licensee, or to pay indebtedness to accomplish such purpose.¹

Section 38(a) (15 U.S.C. 80a-37(a)) of the Investment Company Act and section 19(a) of the Securities Act (15 U.S.C. 77s(a)), respectively, authorize the Commission to make, amend and rescind such rules as may be necessary to exercise the powers conferred upon the Commission by the Investment Company Act and to carry out the provisions of the Securities Act.

Commission action. In light of the circumstances discussed above the Commission hereby repeals Rule 3c-1 under the Investment Company Act of 1940 and Rule 151 under the Securities Act of 1933, effective immediately.

Parts 230 and 270 of Chapter II of Title 17 of the Code of Federal Regulations are amended by deleting §§ 230.151 and 270.3c-1.

By the Commission, October 21, 1971.
(Sec. 38, 54 Stat. 841, 15 U.S.C. 80a-37; sec. 19, 48 Stat. 85, 15 U.S.C. 77s; Public Law 90-104)

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.71-15701 Filed 10-28-71; 8:45 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

STERILE AMPICILLIN TRIHYDRATE FOR SUSPENSION, VETERINARY

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-030V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, N.Y. 13201, proposing the safe and effective use of sterile ampicillin trihydrate for suspension, veterinary, for the treatment of dogs and cats. The application is approved.

Because said drug is subject to batch certification under provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act, this order provides for appropriate amendments to the antibiotic drug certification regulations.

¹Prior to repeal of section 304(c) the regulation read: "No funds may be provided by a licensee for: (a) relending and reinvesting (1) * * * nor may funds be provided to a small business concern if the business activity of such concern involves the investing of funds * * * (2) Financing Licensees * * * Provided, however, The foregoing prohibition shall not apply to any purchase of stock made by any eligible small business concern pursuant to § 107.501, under section 304(c) of Small Business Act in a licensee from which it received equity financing", 13 CFR 107.715.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b, 141, 148, and 149b are amended, as follows:

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

1. Part 135b is amended by adding the following new section:

§ 135b.41 Sterile ampicillin trihydrate for suspension, veterinary.

(a) *Specifications.* Sterile ampicillin trihydrate for suspension, veterinary, conforms to the standards of identity, strength, quality, and purity prescribed by § 149b.19 of this chapter.

(b) *Sponsor.* See code No. 044 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in dogs and cats as a treatment against strains of organisms susceptible to ampicillin and associated with respiratory tract infections, urinary tract infections, gastrointestinal infections, skin infections, soft tissue infections, and postsurgical infections.

(2) Dosage is administered to dogs and cats at 3 milligrams per pound of body weight twice daily by subcutaneous or intramuscular injection. Treatment should be continued for 48 to 72 hours after the animal has become afebrile or asymptomatic.

(3) For use in dogs and cats only. Not to be used in animals raised for food production.

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

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTI-BIOTIC-CONTAINING DRUGS

2. Part 141 is amended in § 141.4 by adding a new paragraph (f), as follows:

§ 141.4 Pyrogen test.

(f) *Method 6.* Proceed as directed in paragraph (a) of this section, except dilute sample with 0.05 N sodium hydroxide (diluent 9).

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

3. Part 148 is amended in § 148.2 by adding the phrase "or 512(n)", to the first sentence of the introductory text following the phrase "subject to certification under section 507", and by revising the parenthetical phrase in the first sentence of paragraph (b) to read "(unless it is packaged to contain a single dose or unless it is intended solely for veterinary use)".

PART 149b—AMPICILLIN

4. Part 149b is amended by adding thereto the following new sections:

§ 149b.2 Sterile ampicillin trihydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate is the trihydrate form of D(-)- α -aminobenzyl penicillin. It is so purified and dried that:

(i) It contains not less than 900 micrograms of ampicillin per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its loss on drying is not less than 12 percent and not more than 15 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(vii) Its ampicillin content is not less than 90 percent on an anhydrous basis.

(viii) It is crystalline.

(ix) It gives a positive identity test for ampicillin trihydrate.

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

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

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, loss on drying, pH, ampicillin content, crystallinity, and identity.

(ii) Samples required:

(a) For all tests except sterility: 10 packages, each containing approximately 300 milligrams.

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

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

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 0.1 milligram of ampicillin per milliliter. Further dilute an aliquot of the stock solution with 0.1 M potassium phosphate buffer, pH 8.0 (solution 3) to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except prepare the ampicillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient distilled water to make solutions containing 1.25 milligrams of the working standard or sample per milliliter.

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

(3) *Pyrogens.* Proceed as directed in § 141.4(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

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

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

(6) *pH*. Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Ampicillin content*—(i) *Acid titration*. Transfer an accurately weighed sample of about 400 milligrams to a 125-milliliter flask, add 50 milliliters of dimethylformamide, swirl until dissolved, then stir magnetically, and while stirring titrate with 0.1N lithium methoxide (previously standardized against benzoic acid dissolved in 50 milliliters of dimethylformamide), using as indicator four drops of 0.5 percent solution of bromothymol blue in dimethylformamide. Each milliliter of 0.1 N lithium methoxide is equivalent to 34.94 milligrams of ampicillin. Calculate the ampicillin content to the anhydrous basis.

(ii) *Amine titration*. Transfer an accurately weighed 400-500 milligram sample to a 250-milliliter Erlenmeyer flask, add 50 milliliters of glacial acetic acid, and while stirring warm in a 70° C. water bath until the sample is completely dissolved. Add three drops of a 0.5 percent solution of crystal violet in glacial acetic acid as indicator and titrate with 0.1 N perchloric acid in glacial acetic acid (previously standardized against diphenylguanidine) to the first clear green endpoint. Each milliliter of 0.1 N perchloric acid is equivalent to 34.94 milligrams of ampicillin. Calculate the ampicillin content to the anhydrous basis.

(8) *Crystallinity*. Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity*. Proceed as directed in § 141.521 of this chapter, using a 0.5 percent potassium bromide disc.

§ 149b.19 Sterile ampicillin trihydrate for suspension, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Sterile ampicillin trihydrate for suspension, veterinary, is a dry mixture of ampicillin trihydrate and one or more suitable and harmless buffer substances, stabilizers, suspending agents, and preservatives. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not less than 12.0 percent and not more than 14.0 percent. When reconstituted as directed in the labeling, its pH is not less than 5.0 and not more than 7.0. The ampicillin trihydrate used conforms to the requirements of § 149b.2.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 148.3 of this chapter, except in lieu of the requirements of § 148.3(a)(1) it shall be labeled in accordance with § 1.106 of this chapter.

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

(i) Results of tests and assays on:

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

(b) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

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

(b) The batch:
(1) For all tests except sterility: A minimum of 12 immediate containers.

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

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*. Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the resultant solution with 0.1 M potassium phosphate buffer, pH 8.0 (solution 3), for the microbiological agar diffusion assay, or distilled water for the iodometric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedure*. Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(a) *Microbiological agar diffusion assay*. Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(b) *Iodometric assay*. Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

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

(3) *Pyrogens*. Proceed as directed in § 141.4(f) of this chapter, using a solution containing 20 milligrams of ampicillin per milliliter.

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

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

(6) *pH*. Proceed as directed in § 141.503 of this chapter, using the solution obtained when the product is reconstituted as directed in the labeling.

Notice and public procedure and delayed effective date are not necessary prerequisites to this promulgation because: (1) In the case of § 135b.41, section 512(i) of the act so provides; and (2) in the case of § 149b.2 and § 149b.19, data supplied by the manufacturer, concerning the subject antibiotic drug, have been evaluated and the conclusions made that the conditions prerequisite to providing for certification have been complied with and that no delaying in so providing is in the public interest.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (10-29-71).

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n))

Dated: October 19, 1971.

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

[FR Doc.71-15744 Filed 10-28-71;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7148]

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Trust Income for Benefit of Grantor or Grantor's Spouse

On December 22, 1970, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 671 and 677 (relating to trust income for the benefit of the grantor or his spouse) to reflect the changes made by section 332 of the Tax Reform Act of 1969 (83 Stat. 599) was published in the FEDERAL REGISTER (35 F.R. 19360). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendment of the regulations is adopted:

PARAGRAPH 1. Section 1.671-1 is amended by revising so much of paragraph (a) as follows subparagraph (4), by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d), to read as set forth below.

PAR. 2. Section 1.677(a) is amended by revising section 677(a) and by adding a historical note as set forth below.

PAR. 3. Section 1.677(a)-1 is amended to read as set forth below.

PAR. 4. Section 1.677(b) is amended by revising section 677(b) and by adding a historical note to read as set forth below.

PAR. 5. Section 1.677(b)-1 is amended by revising paragraphs (a) and (b) to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: October 25, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the
Treasury.

PARAGRAPH 1. Section 1.671-1 is amended by revising so much of paragraph (a) as follows subparagraph (4), by redesignating paragraph (d) as paragraph (e), and by adding a new paragraph (d). These revised, redesignated, and added provisions read as follows:

§ 1.671-1 Grantors and others treated as substantial owners; scope.

(a) * * *

(5) If the grantor or a nonadverse party has the power to distribute income to or for the benefit of the grantor or the grantor's spouse (section 677).

Under section 678, income of a trust is taxed to a person other than the grantor to the extent that he has the sole power to vest corpus or income in himself.

(d) The provisions of subpart E are not applicable with respect to a pooled income fund as defined in paragraph (5) of section 642(c) and the regulations thereunder, a charitable remainder annuity trust as defined in paragraph (1) of section 664(d) and the regulations thereunder, or a charitable remainder unitrust as defined in paragraph (2) of section 664(d) and the regulations thereunder.

(e) For the effective date of subpart E see section 683 and the regulations thereunder.

PAR. 2. Section 1.677(a) is amended by revising section 677(a) and by adding a historical note. These amended provisions read as follows:

§ 1.677(a) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule.

SEC. 677. *Income for benefit of grantor—*
 (a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under section 674, whose income without the approval or consent of any adverse party is, or, in the discretion of the grantor or a nonadverse party, or both, may be—

- (1) Distributed to the grantor or the grantor's spouse;
- (2) Held or accumulated for future distribution to the grantor or the grantor's spouse; or
- (3) Applied to the payment of premiums on policies of insurance on the life of the grantor or the grantor's spouse (except policies of insurance irrevocably payable for a purpose specified in section 170(c) (relating to definition of charitable contributions)).

This subsection shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that the grantor would not be treated as the owner under section 673 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

[Sec. 677(a) as amended by sec. 332, Tax Reform Act 1969 (Public Law 91-172, 83 Stat. 599)]

PAR. 3. Section 1.677(a)-1 is amended to read as follows:

§ 1.677(a)-1 Income for benefit of grantor; general rule.

(a) (1) *Scope.* Section 677 deals with the treatment of the grantor of a trust as the owner of a portion of the trust because he has retained an interest in the income from that portion. For convenience, "grantor" and "spouse" are generally referred to in the masculine

and feminine genders, respectively, but if the grantor is a woman the reference to "grantor" is to her and the reference to "spouse" is to her husband. Section 677 also deals with the treatment of the grantor of a trust as the owner of a portion of the trust because the income from property transferred in trust after October 9, 1969, is, or may be, distributed to his spouse or applied to the payment of premiums on policies of insurance on the life of his spouse. However, section 677 does not apply when the income of a trust is taxable to a grantor's spouse under section 71 (relating to alimony and separate maintenance payments) or section 682 (relating to income of an estate or trust in case of divorce, etc.). See section 671-1(b).

(2) *Cross references.* See section 671 and §§ 1.671-2 and 1.671-3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or a portion of a trust.

(b) *Income for benefit of grantor or his spouse; general rule—*(1) *Property transferred in trust prior to October 10, 1969.* With respect to property transferred in trust prior to October 10, 1969, the grantor is treated, under section 677, in any taxable year as the owner (whether or not he is treated as an owner under section 674) of a portion of a trust of which the income for the taxable year or for a period not within the exception described in paragraph (e) of this section is, or in the discretion of the grantor or a nonadverse party, or both (without the approval or consent of any adverse party) may be:

- (i) Distributed to the grantor;
- (ii) Held or accumulated for future distribution to the grantor; or
- (iii) Applied to the payment of premiums on policies of insurance on the life of the grantor, except policies of insurance irrevocably payable for a charitable purpose specified in section 170(c).

(2) *Property transferred in trust after October 9, 1969.* With respect to property transferred in trust after October 9, 1969, the grantor is treated, under section 677, in any taxable year as the owner (whether or not he is treated as an owner under section 674) of a portion of a trust of which the income for the taxable year or for a period not within the exception described in paragraph (e) of this section is, or in the discretion of the grantor, or his spouse, or a nonadverse party, or any combination thereof (without the approval or consent of any adverse party other than the grantor's spouse) may be:

- (i) Distributed to the grantor or the grantor's spouse;
- (ii) Held or accumulated for future distribution to the grantor or the grantor's spouse; or
- (iii) Applied to the payment of premiums on policies of insurance on the life of the grantor or the grantor's spouse, except policies of insurance irrevocably payable for a charitable purpose specified in section 170(c).

With respect to the treatment of a grantor as the owner of a portion of a

trust solely because its income is, or may be, distributed or held or accumulated for future distributions to a beneficiary who is his spouse or applied to the payment of premiums for insurance on the spouse's life, section 677(a) applies to the income of a trust solely during the period of the marriage of the grantor to a beneficiary. In the case of divorce or separation, see sections 71 and 682 and the regulations thereunder.

(c) *Constructive distribution; cessation of interest.* Under section 677 the grantor is treated as the owner of a portion of a trust if he has retained any interest which might, without the approval or consent of an adverse party, enable him to have the income from that portion, distributed to him at some time, either actually or constructively (subject to the exception described in paragraph (e) of this section). In the case of a transfer in trust after October 9, 1969, the grantor is also treated as the owner of a portion of a trust if he has granted or retained any interest which might, without the approval or consent of an adverse party (other than the grantor's spouse), enable his spouse to have the income from the portion at some time, whether or not within the grantor's lifetime, distributed to the spouse either actually or constructively. See paragraph (b) (2) of this section for additional rules relating to the income of a trust prior to the grantor's marriage to a beneficiary. Constructive distribution to the grantor or to his spouse includes payment on behalf of the grantor or his spouse to another in obedience to his or her direction and payment of premiums upon policies of insurance on the grantor's, or his spouse's, life (other than policies of insurance irrevocably payable for charitable purposes specified in section 170(c)). If the grantor (in the case of property transferred prior to Oct. 10, 1969) or the grantor and his spouse (in the case of property transferred after Oct. 9, 1969) are divested permanently and completely of every interest described in this paragraph, the grantor is not treated as an owner under section 677 after that divesting. The word "interest" as used in this paragraph does not include the possibility that the grantor or his spouse might receive back from a beneficiary an interest in a trust by inheritance. Further, with respect to transfers in trust prior to October 10, 1969, the word "interest" does not include the possibility that the grantor might receive back from a beneficiary an interest in a trust as a surviving spouse under a statutory right of election or a similar right.

(d) *Discharge of legal obligation of grantor or his spouse.* Under section 677 a grantor is, in general, treated as the owner of a portion of a trust whose income is, or in the discretion of the grantor or a nonadverse party, or both, may be applied in discharge of a legal obligation of the grantor (or his spouse in the case of property transferred in trust by the grantor after October 9, 1969). However, see § 1.677(b)-1 for special rules for trusts whose income

may not be applied for the discharge of any legal obligation of the grantor or the grantor's spouse other than the support or maintenance of a beneficiary (other than the grantor's spouse) whom the grantor or grantor's spouse is legally obligated to support.

(e) *Exception for certain discretionary rights affecting income.* The last sentence of section 677(a) provides that a grantor shall not be treated as the owner when a discretionary right can only affect the beneficial enjoyment of the income of a trust received after a period of time during which a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673(a)-1 and 1.673(b)-1. For example, if the ordinary income of a trust is payable to B for 10 years and then in the grantor's discretion income or corpus may be paid to B or to the grantor (or his spouse in the case of property transferred in trust by the grantor after October 9, 1969), the grantor is not treated as an owner with respect to the ordinary income under section 677 during the first 10 years. He will be treated as an owner under section 677 after the expiration of the 10-year period unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673(d)-1 are applicable in determining whether the grantor should be treated as an owner during the period following the postponement.

(f) *Accumulation of income.* If income is accumulated in any taxable year for future distribution to the grantor (or his spouse in the case of property transferred in trust by the grantor after Oct. 9, 1969), section 677(a)(2) treats the grantor as an owner for that taxable year. The exception set forth in the last sentence of section 677(a) does not apply merely because the grantor (or his spouse in the case of property transferred in trust by the grantor after Oct. 9, 1969) must await the expiration of a period of time before he or she can receive or exercise discretion over previously accumulated income of the trust, even though the period is such that the grantor would not be treated as an owner under section 673 if a reversionary interest were involved. Thus, if income (including capital gains) of a trust is to be accumulated for 10 years and then will be, or at the discretion of the grantor, or his spouse in the case of property transferred in trust after October 9, 1969, or a nonadverse party, may be, distributed to the grantor (or his spouse in the case of property transferred in trust after Oct. 9, 1969), the grantor is treated as the owner of the trust from its inception. If income attributable to transfers after October 9, 1969 is accumulated in any taxable year during the grantor's lifetime for future distribution to his spouse, section 677(a)(2) treats the grantor as an owner for that taxable year even though his spouse may not receive or exercise discretion over such income prior to the grantor's death.

(g) *Examples.* The application of section 677(a) may be illustrated by the following examples:

Example (1). G creates an irrevocable trust which provides that the ordinary income is to be payable to him for life and that on his death the corpus shall be distributed to B, an unrelated person. Except for the right to receive income, G retains no right or power which would cause him to be treated as an owner under sections 671 through 677. Under the applicable local law capital gains must be applied to corpus. During the taxable year 1970 the trust has the following items of gross income and deductions:

Dividends	\$5,000
Capital gain	1,000
Expenses allocable to income	200
Expenses allocable to corpus	100

Since G has a right to receive income he is treated as an owner of a portion of the trust under section 677. Accordingly, he should include the \$5,000 of dividends, \$200 income expense, and \$100 corpus expense in the computation of his taxable income for 1970. He should not include the \$1,000 capital gain since that is not attributable to the portion of the trust that he owns. See § 1.671-3(b). The tax consequences of the capital gain are governed by the provisions of subparts A, B, C, and D (section 641 and following), part I, subchapter J, chapter 1 of the Code. Had the trust sustained a capital loss in any amount the loss would likewise not be included in the computation of G's taxable income, but would also be governed by the provisions of such subparts.

Example (2). G creates a trust which provides that the ordinary income is payable to his adult son. Ten years and one day from the date of transfer or on the death of his son, whichever is earlier, corpus is to revert to G. In addition, G retains a discretionary right to receive \$5,000 of ordinary income each year. (Absent the exercise of this right all the ordinary income is to be distributed to his son.) G retained no other right or power which would cause him to be treated as an owner under subpart E (section 671 and following). Under the terms of the trust instrument and applicable local law capital gains must be applied to corpus. During the taxable year 1970 the trust had the following items of income and deductions:

Dividends	\$10,000
Capital gain	2,000
Expenses allocable to income	400
Expenses allocable to corpus	200

Since the capital gain is held or accumulated for future distributions to G, he is treated under section 677(a)(2) as an owner of a portion of the trust to which the gain is attributable. See § 1.671-3(b).

Therefore, he must include the capital gain in the computation of his taxable income. (Had the trust sustained a capital loss in any amount, G would likewise include that loss in the computation of his taxable income.) In addition, because of G's discretionary right (whether exercised or not) he is treated as the owner of a portion of the trust which will permit a distribution of income to him of \$5,000. Accordingly, G includes dividends of \$5,208.33 and income expenses of \$208.33 in computing his taxable income, determined in the following manner:

Total dividends	\$10,000.00
Less: Expenses allocable to income	400.00
Distributable income of the trust	9,600.00
Portion of dividends attributable to G (5,000/9,600×\$10,000)	5,208.33

Portion of income expenses attributable to G (5,000/9,600×\$400)	208.33
Amount of income subject to discretionary right	5,000.00

In accordance with § 1.671-3(c), G also takes into account \$104.17 (5,000/9,600×\$200) of corpus expenses in computing his tax liability. The portion of the dividends and expenses of the trust not attributable to G are governed by the provisions of Subparts A through D.

PAR. 4. Section 1.677(b) is amended by revising section 677(b) and by adding a historical note. These amended provisions read as follows:

§ 1.677(b) Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trust for support of grantor's dependents.

Sec. 677. *Income for benefit of grantor.*

(b) *Obligations of support.* Income of a trust shall not be considered taxable to the grantor under subsection (a) or any other provision of this chapter merely because such income in the discretion of another person, the trustee, or the grantor acting as trustee or cotrustee, may be applied or distributed for the support or maintenance of a beneficiary (other than the grantor's spouse) whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661(a) and shall be taxed to the grantor under section 662.

(Sec. 677(b) as amended by sec. 332, Tax Reform Act 1969 (Public Law 91-172, 83 Stat. 599))

PAR. 5. Section 1.677(b)-1 is amended by revising paragraphs (a) and (b). These amended provisions read as follows:

§ 1.677(b)-1 Trusts for support.

(a) Section 677(b) provides that a grantor is not treated as the owner of a trust merely because its income may in the discretion of any person other than the grantor (except when he is acting as trustee or cotrustee) be applied or distributed for the support or maintenance of a beneficiary (other than the grantor's spouse in the case of income from property transferred in trust after October 9, 1969), such as the child of the grantor, whom the grantor or his spouse is legally obligated to support. If income of the current year of the trust is actually so applied or distributed the grantor may be treated as the owner of any portion of the trust under section 677 to that extent, even though it might have been applied or distributed for other purposes. In the case of property transferred to a trust before October 10, 1969, for the benefit of the grantor's spouse, the grantor may be treated as the owner to the extent income of the current year is actually applied for the support or maintenance of his spouse.

(b) If any amount applied or distributed for the support of a beneficiary, including the grantor's spouse in the case

of property transferred in trust before October 10, 1969, whom the grantor is legally obligated to support is paid out of corpus or out of income other than income of the current year, the grantor is treated as a beneficiary of the trust, and the amount applied or distributed is considered to be an amount paid within the meaning of section 661(a)(2), taxable to the grantor under section 662. Thus, he is subject to the other relevant portions of subparts A through D (section 641 and following), part I, subchapter J, chapter 1 of the Code. Accordingly, the grantor may be taxed on an accumulation distribution or a capital gain distribution under subpart D (section 665 and following) of such part I. Those provisions are applied on the basis that the grantor is the beneficiary.

[FR Doc.71-15798 Filed 10-28-71;8:53 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

On June 18, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 11738) concerning proposed rules under section 18 of the Williams-Steiger Occupational Safety and Health Act (29 U.S.C. 667) for the development and enforcement of State standards under State plans and for the Department of Labor's procedures for the submission, approval, or rejection of such State plans. After consideration of the relevant material which has been submitted by interested persons, and after consultation with the National Advisory Committee on Occupational Safety and Health, the proposal is hereby adopted with some changes. The significant changes are: (1) Further delineation of the indices of effectiveness of the State plan in situations where a State plan does not provide for the establishment of the same procedures, criteria, rules, etc., as have been established by the Secretary of Labor under the Act for purposes of Federal enforcement; and (2) some expansion of the procedural rules in order to afford increased opportunities for oral presentations by interested persons, and greater efficiency in the conduct of proceedings.

The new Part 1902 shall be effective upon publication in the FEDERAL REGISTER (10-29-71).

Subpart A—General

- Sec.
1902.1 Purpose and scope.
1902.2 General policies.

Subpart B—Criteria for State Plans

- 1902.3 Specific criteria.
1902.4 Indices of effectiveness.
1902.5 Intergovernmental Cooperation Act of 1968.

- Sec.
1902.6 Consultation with the National Institute for Occupational Safety and Health.

Subpart C—Procedure for Submission, Approval and Rejection of State Plans

- 1902.10 Submission.
PROCEDURE FOR PROPOSED OR POSSIBLE APPROVAL OF PLAN
1902.11 General notice.
1902.13 Informal hearing.
1902.14 Formal hearing.
1902.15 Certification of the record of a hearing.
1902.17 The proceedings.

- PROCEDURE FOR PROPOSAL OR POSSIBLE REJECTION OF PLAN
1902.18 Previous hearing or other opportunity for comment on plan.
1902.19 Notice of hearing.

DECISIONS

- 1902.20 Decision following informal proceeding.
1902.21 Tentative decision following formal proceeding.
1902.22 Final decision following formal proceeding.
1902.23 Publication of decisions.

Subpart D—Procedures for Determinations Under Section 18(e) of the Act (Reserved)

Subpart E—Procedure for Withdrawal of Plan Approval (Reserved)

AUTHORITY: The provisions of this Part 1902 issued under sections 8(g), 18, 84 Stat. 1600, 1608, 29 U.S.C. 657g, 667.

Subpart A—General

§ 1902.1 Purpose and scope.

(a) This part applies the provisions of section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) relating to State plans for the development and enforcement of State occupational safety and health standards. The provisions of this part set forth the procedures by which the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) under a delegation of authority from the Secretary of Labor (Secretary's Order No. 12-71, 36 F.R. 8754, May 12, 1971) will approve or reject State plans submitted to the Secretary. In the Act, Congress declared it to be its purpose and policy " * * * to assure so far as possible every workingman and woman in the Nation safe and healthful working conditions and to preserve our human resources" by, among other actions and programs, " * * * encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational and health laws * * *." Section 18(b) provides that any State which desires to assume responsibility for the development and enforcement therein of occupational safety and health standards relating to issues covered by corresponding standards promulgated under section 6 of the Act shall submit a plan for doing so to the Assistant Secretary.

(b) Section 18(c) of the Act sets out certain criteria that a plan which is sub-

mitted under section 18(b) of the Act must meet, either initially or upon modification, if it is to be approved. Foremost among these criteria is the requirement that the plan must provide for the development of State standards and the enforcement of such standards which are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 5 of the Act which relate to the same issues.

(c) (1) If the Assistant Secretary approves a State plan submitted under section 18(b), he may, but is not required to, exercise his enforcement authority with respect to Federal standards corresponding to standards approved under the plan until he determines, in accordance with section 18(e) of the Act, on the basis of actual operations under the plan, that the State is applying the criteria of section 18(c) of the Act. The Assistant Secretary shall not make this determination (i) for at least 3 years after initial approval of the plan, and (ii) in the case of a developmental plan approved under § 1902.2(b), until the State has completed all the steps specified in its plan which are designed to make it at least as effective as the Federal program and the Assistant Secretary has had at least 1 year in which to evaluate the program on the basis of actual operations. After the determination that the State is applying the criteria of section 18(c) of the Act, the Assistant Secretary's enforcement authority shall not apply with respect to any occupational safety or health issued covered by the plan. Notwithstanding plan approval and a determination under section 18(e) that the section 18(c) criteria are being followed, the Assistant Secretary shall make a continuing evaluation, as provided in section 18(f) of the Act, of the manner in which the State is carrying out the plan.

(2) Federal enforcement authority which must be retained by the Assistant Secretary until actual operations prove the State plan to be at least as effective as the Federal program, will be exercised to the degree necessary to assure occupational safety and health. Factors to be considered in determining the level of Federal effort during this period include:

(i) Whether the plan is developmental (i.e., approved under § 1902.2(b)) or complete (i.e., approved under § 1902.2(a)).

(ii) Results of evaluations conducted by the Assistant Secretary.

(3) Whenever the Assistant Secretary determines, after giving notice and affording the State an opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the plan or any assurance contained therein, he shall withdraw approval of such plan in whole or in part, and upon notice the State shall cease operations under any disapproved plan or part thereof, except that it will be permitted to retain jurisdiction as to any case commenced before withdrawal of approval whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(4) A determination of approval of a State plan under section 18(e) does not affect the authority and responsibility of the Assistant Secretary to enforce Federal standards covering issues not included under the State plan.

(d) The policy of the Act is to encourage the assumption by the States of the fullest responsibility for the development and enforcement of their own occupational safety and health standards. This assumption of responsibility is considered to include State development and enforcement of standards on as many occupational safety and health issues as possible. To these ends, the Assistant Secretary intends to cooperate with the States so that they can obtain approval of plans for the development and enforcement of State standards which are or will be at least as effective as the Federal standards and enforcement.

(e) After the Assistant Secretary has approved a plan, he may approve one or more grants under section 23(g) of the Act to assist the State in administering and enforcing its program for occupational safety and health in accordance with appropriate instructions or procedures to be promulgated by the Assistant Secretary.

§ 1902.2 General policies.

(a) *Policy.* The Assistant Secretary will approve a State plan which provides for an occupational safety and health program with respect to covered issues that in his judgment meets or will meet the criteria set forth in § 1902.3. Included among these criteria is the requirement that the State plan provide for the development and enforcement of standards relating to issues covered by the plan which are or will be at least as effective in providing safe and healthful employment and places of employment as standards promulgated and enforced under section 6 of the Act on the same issues. In determining whether a State plan satisfies the requirement of effectiveness, the Assistant Secretary will measure the plan against the indices of effectiveness set forth in § 1902.4.

(b) *Developmental plan.* A State plan for an occupational safety and health program may be approved although, upon submission it does not fully meet the criteria set forth in § 1902.3, if it includes satisfactory assurances by the State that it will take the necessary steps to bring the State program into conformity with these criteria within the 3-year period immediately following the commencement of the plan's operation. In such case, the State plan shall include the specific actions it proposes to take and a time schedule for their accomplishment not to exceed 3 years, at the end of which the State plan will meet the criteria in § 1902.3. A developmental plan shall include the date or dates within which intermediate and final action will be accomplished. If necessary program changes require legislative action by a State, a copy of a bill or a draft of legislation that will be or has been proposed for enactment shall be submitted, accompanied by (1) a

statement of the Governor's support of the legislation and (2) a statement of legal opinion that the proposed legislation will meet the requirements of the Act and this part in a manner consistent with the State's constitution and laws. On the basis of the State's submission the Assistant Secretary will approve the plan if he finds that there is a reasonable expectation that the State plan will meet the criteria in § 1902.3 within the indicated 3-year period. In such case, the Assistant Secretary shall not make a determination under section 18(e) of the Act that a State is fully applying the criteria in § 1902.3 until the State has completed all the developmental steps specified in its plan which are designed to make it at least as effective as the Federal program, and the Assistant Secretary has had at least 1 year to evaluate the plan on the basis of actual operations. If at the end of 3 years from the date of commencement of the plan's development, the State is found by the Assistant Secretary, after affording the State notice and opportunity for a hearing, not to have substantially completed the developmental steps of the plan, the Assistant Secretary shall withdraw the approval of the plan.

(c) *Scope of State plan.* (1) A State plan may cover any occupational safety and health issue with respect to which a Federal standard has been promulgated under section 6 of the Act. An "issue" is considered to be an industrial, occupational or hazard grouping which is at least as comprehensive as a corresponding grouping contained in (i) one or more sections in Subparts B or R of Part 1910 of this chapter, or (ii) one or more of the remaining subparts of Part 1910. However, for cause shown the Assistant Secretary may approve a plan relating to other industrial, occupational or hazard groupings if he determines that the plan is administratively practicable and that such groupings would not conflict with the purposes of the Act.

(2) Each State plan shall describe the occupational safety and health issue or issues and the State standard or standards applicable to each such issue or issues over which it desires to assume enforcement responsibility in terms of the corresponding Federal industrial, occupational or hazard groupings and set forth the reasons, supported with appropriate data, for any variations the State proposes from the coverage of Federal standards.

(3) The State plan shall apply to all employers and employees within the affected industry, occupational or hazard grouping unless the Assistant Secretary finds that the State has shown good cause why any group or groups of employers or employees should be excluded. Any employers or employees so excluded shall be covered by applicable Federal standards and enforcement provisions in the Act.

Subpart B—Criteria for State Plans

§ 1902.3 Specific criteria.

(a) *General.* A State plan must meet

the specific criteria set forth in this section.

(b) *Designation of State agency.* (1) The State plan shall designate a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State.

(2) The plan shall also describe the authority and responsibilities vested in such agency or agencies. The plan shall contain assurances that any other responsibilities of the designated agency shall not detract significantly from the resources and priorities assigned to administration of the plan.

(3) A State agency or agencies must be designated with overall responsibility for administering the plan throughout the State. However, political subdivisions of the State may have the responsibility and authority for the development and enforcement of standards, provided that the State agency or agencies are given adequate authority by statute, regulation, or agreement, to insure that the commitments of the State under the plan will be fulfilled.

(c) *Standards.* (1) The State plan shall include or provide for the development or adoption of, and contain assurances that the State will continue to develop or adopt, standards which are or will be at least as effective as those promulgated under section 6 of the Act. Indices of the effectiveness of standards and procedures for the development or adoption of standards against which the Assistant Secretary will measure the State plan in determining whether it is approvable are set forth in § 1902.4(b).

(2) The State plan shall not include standards for products distributed or used in interstate commerce which are different from Federal standards for such products unless such standards are required by compelling local conditions and do not unduly burden interstate commerce. This provision, reflecting section 18(c)(2) of the Act, is interpreted as not being applicable to customized products or parts not normally available on the open market, or to the optional parts or additions to products which are ordinarily available with such optional parts or additions.

(d) *Enforcement.* (1) The State plan shall provide a program for the enforcement of the State standards which is, or will be, at least as effective as that provided in the Act, and provide assurances that the State's enforcement program will continue to be at least as effective as the Federal program. Indices of the effectiveness of a State's enforcement plan against which the Assistant Secretary will measure the State plan in determining whether it is approvable are set forth in § 1902.4(c).

(2) The State plan shall require employers to comply with all applicable State occupational safety and health standards covered by the plan and all applicable rules issued thereunder, and employees to comply with all standards,

rules, and orders applicable to their conduct.

(e) *Right of entry and inspection.* The State plan shall contain adequate assurance that inspectors will have a right to enter and inspect covered workplaces which is, or will be, at least as effective as that provided in section 8 of the Act. Where such entry or inspection is refused, the State agency or agencies shall have the authority, through appropriate legal process, to compel such entry and inspection.

(f) *Prohibition against advance notice.* The State plan shall contain a prohibition against advance notice of inspections. Any exceptions must be expressly authorized by the head of the designated agency or agencies or his representative and such exceptions may be no broader than those authorized under the Act and the rules published in Part 1903 of this chapter relating to advance notice.

(g) *Legal authority.* The State plan shall contain satisfactory assurances that the designated agency or agencies have, or will have, the legal authority necessary for the enforcement of its standards.

(h) *Personnel.* The State plan shall provide assurance that the designated agency or agencies have, or will have, a sufficient number of adequately trained and qualified personnel necessary for the enforcement of the standards. For this purpose qualified personnel means persons employed on a merit basis, including all persons engaged in the development of standards and the administration of the State plan. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Labor, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement.

(i) *Resources.* The State plan shall contain satisfactory assurances through the use of budget, organizational description, and any other appropriate means that the State will devote adequate funds to the administration and enforcement of the program. The Assistant Secretary will make periodic evaluations of the adequacy of the State resources devoted to the plan.

(j) *State and local government employees.* The State plan shall include, to the extent permitted by State law, an effective and comprehensive occupational safety and health program covering all employees of public agencies of the State and its political subdivisions. Such program shall be as effective as the programs contained in the plan which are applicable to employees covered by the plan.

(k) *Employer records and reports.* The State plan shall provide assurances that employers covered by the plan will maintain records and make reports to the Assistant Secretary in the same manner

and to the same extent as if the plan were not in effect.

(1) *State agency reports to the Assistant Secretary.* The State plan shall provide assurances that the designated agency or agencies shall make such reasonable reports to the Assistant Secretary in such form and containing such information as he may from time to time require. The agency or agencies shall establish specific goals, consistent with the goals of the Act, including measures of performance, output and results which will determine the efficiency and effectiveness of the State program, and shall make periodic reports to the Assistant Secretary on the extent to which the State, in implementation of its plan, has attained these goals. Reports will also include data and information on the implementation of the specific inspection and voluntary compliance activities included within the State plan. Further, these reports shall contain such statistical information pertaining to work-related deaths, injuries, and illnesses in employments and places of employment covered by the plan as the Assistant Secretary may from time to time require.

§ 1902.4 Indices of effectiveness.

(a) *General.* In order to satisfy the requirements of effectiveness under §§ 1902.3 (c) (1) and (d) (1), the State plan shall:

(1) Establish the same standards, procedures, criteria and rules as have been established by the Assistant Secretary under the Act; or

(2) Establish alternative standards, procedures, criteria, and rules which will be measured against each of the indices of effectiveness in paragraphs (b) and (c) of this section to determine whether the alternatives are at least as effective as the Federal program with respect to the subject of each index. For each index the State must demonstrate by the presentation of factual or other appropriate information that its plan is or will be at least as effective as the Federal program.

(b) *Standards.* (1) The indices for measurement of a State plan with regard to standards follow in subparagraph (2) of this paragraph. The Assistant Secretary will determine whether the State plan satisfies the requirements of effectiveness with regard to each index as provided in paragraph (a) of this section.

(2) The Assistant Secretary will determine whether the State plan:

(i) Provides for State standards with respect to specific issues which are or will be at least as effective as the standards promulgated under section 6 of the Act relating to the same issues. In the case of any State standards dealing with toxic materials or harmful physical agents, they should adequately assure, to the extent feasible, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life, by such means as, in the development and promulgation of standards, obtaining the best

available evidence through research, demonstrations, experiments, and experience under this and other safety and health laws.

(ii) Provides an adequate method to assure that its standards will continue to be at least as effective as Federal standards, including Federal standards relating to issues covered by the plan, which become effective subsequent to any approval of the plan.

(iii) Provides a procedure for the development and promulgation of standards which allows for the consideration of pertinent factual information and affords interested persons, including employees, employers and the public, an opportunity to participate in such processes, by such means as establishing procedures for consideration of expert technical knowledge, and providing interested persons, including employers, employees, recognized standards-producing organizations, and the public an opportunity to submit information requesting the development or promulgation of new standards or the modification or revocation of existing standards and to participate in any hearings. This index may also be satisfied by such means as the adoption of Federal standards, in which case the procedures at the Federal level before adoption of a standard under section 6 may be considered to meet the conditions of this index.

(iv) Provides authority for the granting of variances from State standards, upon application of an employer or employers which correspond to variances authorized under the Act, and for consideration of the views of interested parties, by such means as giving affected employees notice of each application and an opportunity to request and participate in hearings or other appropriate proceedings relating to applications for variances.

(v) Provides for prompt and effective standards setting actions for the protection of employees against new and unforeseen hazards, by such means as the authority to promulgate emergency temporary standards.

(vi) Provides that State standards contain appropriate provision for the furnishing to employees of information regarding hazards in the workplace, including information about suitable precautions, relevant symptoms, and emergency treatment in case of exposure, by such means as labeling, posting, and, where appropriate, medical examination at no cost to employees, with the results of such examinations being furnished only to appropriate State officials and, if the employee so requests, to his physician.

(vii) Provides that State standards, where appropriate, contain specific provision for the protection of employees from exposure to hazards, by such means as containing appropriate provision for use of suitable protective equipment and for control or technological procedures with respect to such hazards, including monitoring or measuring such exposure,

(c) *Enforcement.* (1) The indices for measurement of a State plan with regard to enforcement follow in subparagraph (2) of this paragraph. The Assistant Secretary will determine whether the State plan satisfies the requirements of effectiveness with regard to each index as provided in paragraph (a) of this section.

(2) The Assistant Secretary will determine whether the State plan:

(i) Provides for inspection of covered workplaces in the State, including inspections in response to complaints, where there are reasonable grounds to believe a hazard exists, in order to assure, so far as possible, safe and healthful working conditions for covered employees, by such means as providing for inspections under conditions such as those provided in section 8 of the Act.

(ii) Provides an opportunity for employees and their representatives, before, during, and after inspections, to bring possible violations to the attention of the State agency with enforcement responsibility in order to aid inspections, by such means as affording a representative of the employer and a representative authorized by employees an opportunity to accompany the State representative during the physical inspection of the workplace, or where there is no authorized representative, by providing for consultation by the State representative with a reasonable number of employees.

(iii) Provides for the notification of employees, or their representatives, when the State decides not to take compliance action as a result of violations alleged by such employees or their representatives and further provides for informal review of such decisions, by such means as written notification of decisions not to take compliance action and the reasons therefor, and procedures for informal review of such decisions and written statements of the disposition of such review.

(iv) Provides that employees be informed of their protections and obligations under the Act, including the provisions of applicable standards, by such means as the posting of notices or other appropriate sources of information.

(v) Provides necessary and appropriate protection to an employee against discharge or discrimination in terms and conditions of employment because he has filed a complaint, testified, or otherwise acted to exercise rights under the Act for himself or others, by such means as providing for appropriate sanctions against the employer for such actions and by providing for the withholding, upon request, of the names of complainants from the employer.

(vi) Provides that employees have access to information on their exposure to toxic materials or harmful physical agents and receive prompt information when they have been or are being exposed to such materials or agents in concentrations or at levels in excess of those prescribed by the applicable safety and health standards, by such means as the observation by employees of the

monitoring or measuring of such materials or agents, employee access to the records of such monitoring or measuring, prompt notification by an employer to any employee who has been or is being exposed to such agents or materials in excess of the applicable standards, and information to such employee of corrective action being taken.

(vii) Provides procedures for the prompt restraint or elimination of any conditions or practices in covered places of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for in the plan, by such means as immediately informing employees and employers of such hazards, taking steps to obtain immediate abatement of the hazard by the employer, and where appropriate, authority to initiate necessary legal proceedings to require such abatement.

(viii) Provides adequate safeguards to protect trade secrets, by such means as limiting access to such trade secrets to authorized State officers or employees concerned with carrying out the plan and by providing for the issuance of appropriate orders to protect the confidentiality of trade secrets.

(ix) Provides that the State agency (or agencies) will have the necessary legal authority for the enforcement of standards, by such means as provisions for appropriate compulsory process to obtain necessary evidence or testimony in connection with inspection and enforcement proceedings.

(x) Provides for prompt notice to employers and employees when an alleged violation of standards has occurred, including the proposed abatement requirements, by such means as the issuance of a written citation to the employer and posting of the citation at or near the site of the violation; further provides for advising the employer of any proposed sanctions, by such means as a notice to the employer by certified mail within a reasonable time of any proposed sanctions.

(xi) Provides effective sanctions against employers who violate State standards and orders, such as those prescribed in the Act.

(xii) Provides for an employer to have the right of review of violations alleged by the State, abatement periods, and proposed penalties and for employees or their representatives to have an opportunity to participate in review proceedings, by such means as providing for administrative or judicial review, with an opportunity for a full hearing on the issues.

(xiii) Provides that the State will undertake programs to encourage voluntary compliance by employers and employees by such means as conducting training and consultation with employers and employees.

(d) *Additional indices.* Upon his own motion or after consideration of data, views and arguments received in any

proceeding held under Subpart C of this part, the Assistant Secretary may prescribe additional indices for any State plan which shall be in furtherance of the purpose of this part, as expressed in § 1902.1.

§ 1902.5 Intergovernmental Cooperation Act of 1968.

This part shall be construed in a manner consistent with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201-4233), and any regulations pursuant thereto.

§ 1902.6 Consultation with National Institute for Occupational Safety and Health.

The Assistant Secretary will consult, as appropriate, with the Director of the National Institute for Occupational Safety and Health with regard to plans submitted by the States under this part.

Subpart C—Procedures for Submission, Approval and Rejection of State Plans

§ 1902.10 Submission.

(a) An authorized representative of the State agency or agencies responsible for administering the plan shall submit the plan with 10 copies to the appropriate Regional Administrator of the Occupational Safety and Health Administration, U.S. Department of Labor. The State plan shall include (1) supporting papers conforming to the requirements specified in Subpart B of this part, and (2) the State occupational safety and health standards to be included in the plan, including copies of any specific or enabling State laws and regulations relating to such standards. If any of the representations concerning the requirements of Subpart B of this part are dependent upon any judicial or administrative interpretations of the State standards or enforcement provisions, the State shall furnish citations to any pertinent judicial decisions and the text of any pertinent administrative decisions.

(b) Upon receipt of the State plan the Regional Administrator shall make a preliminary examination of the plan. If his examination reveals any defect in the plan, the Regional Administrator shall offer assistance to the State agency and shall provide the agency an opportunity to cure such defect. After his preliminary examination, and after affording the State agency such opportunity to cure defects, the Regional Administrator shall submit the plan to the Assistant Secretary.

(c) Upon receipt of the plan from the Regional Administrator, the Assistant Secretary shall examine the plan and supporting materials. If the examination discloses no cause for rejecting the plan, the Assistant Secretary shall follow the procedure prescribed in § 1902.11. If the examination discloses cause for rejection of the plan, the Assistant Secretary shall follow the procedure prescribed in § 1902.17.

PROCEDURE FOR PROPOSED OR POSSIBLE
APPROVAL OF PLAN

§ 1902.11 General notice.

(a) Upon receipt of a State plan submitted by a Regional Administrator under § 1902.10 whenever the Assistant Secretary proposes to approve the plan, or to give notice that such approval is an issue before him, he shall publish in the FEDERAL REGISTER a notice meeting the requirements of the remaining paragraphs of this section. No later than 5 days following the publication of the notice in the FEDERAL REGISTER, the applying State agency shall publish, or cause to be published, within the State reasonable notice containing the same information.

(b) The notice shall indicate the submission of the plan and its contents, and any proposals, subjects, or issues involved.

(c) The notice shall provide that the plan, or copies thereof, shall be available for inspection and copying at the office of the Director, Office of State Programs, Occupational Safety and Health Administration, 1726 M Street NW., Washington, DC 20210, office of the Regional Administrator in whose region the State is located, and an office of the State which shall be designated by the State for this purpose.

(d) The notice shall afford interested persons an opportunity to submit in writing, data, views, and arguments on the proposal, subjects, or issues involved within 30 days after publication of the notice in the FEDERAL REGISTER. Thereafter the written comments received or copies thereof shall be available for public inspection and copying at the office of the Director, Office of State Programs, Occupational Safety and Health Administration, 1726 M Street NW., Washington, DC 20210, office of the Regional Administrator in whose region the State is located, and an office of the State which shall be designated by the State for this purpose.

(e) Upon his own initiative, the Assistant Secretary may give notice of an informal or formal hearing affording an opportunity for oral comments concerning the plan.

(f) In the event no notice of hearing is provided under paragraph (e) of this section it shall be provided that any interested person may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed within 30 days following publication of the notice in the FEDERAL REGISTER. If the Assistant Secretary finds that substantial objections have been filed, he shall afford a formal or informal hearing on the subjects and issues involved under § 1902.13 or § 1902.14, or shall commence a proceeding under § 1902.17.

§ 1902.13 Informal hearing.

Any informal hearing shall be legislative in type. The procedures for informal hearings may take a variety of forms. The appropriateness of any particular form will turn largely upon the proposals,

subjects, or issues involved. The rules of procedure for each hearing shall be published with the notice thereof.

§ 1902.14 Formal hearing.

Any formal hearing provided for under § 1902.11 (e) and (f) shall be commenced upon the publication of reasonable notice in the FEDERAL REGISTER and similar notice by the State. The hearing shall conform with the requirements of 5 U.S.C. 556 and 557. The terms for filing proposed findings and conclusions and exceptions to any tentative decision, or objections to a tentative decision, shall be set forth in the notice.

§ 1902.15 Certification of the record of a hearing.

Upon completion of any formal or informal hearing, the transcript thereof, together with written submissions, exhibits filed during the hearing, and any post-hearing presentations shall be certified by the officer presiding at the hearing to the Assistant Secretary.

PROCEDURE FOR PROPOSED OR POSSIBLE
REJECTION OF PLAN

§ 1902.17 The proceeding.

Whenever as a result of (a) and initial examination of a plan, or (b) written or oral comments concerning a plan submitted in an informal rulemaking proceeding concerning a proposed approval of a plan or any subject or issue concerning the plan, the Assistant Secretary proposes to reject a plan or rejection remains in issue for any reason, he shall follow the procedures prescribed in the remaining sections of this subpart.

§ 1902.18 Previous hearing or other opportunity for comment on plan.

(a) Whenever an informal hearing has been held under §§ 1902.11 and 1902.13, any evidence submitted in such a hearing shall be considered and may be relied upon whenever it is found that no party will be prejudiced thereby because (1) of a lack of an opportunity for cross-examination afforded in the informal hearing on the issues involved, or (2) the veracity and demeanor of witnesses are not important with respect to the type of evidence involved (e.g., extensive technical or statistical data), or (3) for any other reason.

(b) Any written comments received in response to a notice issued under § 1902.11 shall be a part of the record of the proceeding.

(c) Whenever a formal hearing has been held under § 1902.14 the Assistant Secretary shall hold no additional hearing, and shall proceed to issue a tentative decision under § 1902.21.

§ 1902.19 Notice of hearing.

(a) Whenever the Assistant Secretary has issued no previous notice concerning the plan, or only informal rule making proceedings have been conducted concerning the plan, the Assistant Secretary shall publish in the FEDERAL REGISTER an appropriate notice concerning the plan and provide an opportunity for formal hearing and decision on the

possible rejection of the plan and on any subsidiary issues. The notice also shall set forth such rules as may be necessary so as to assure compliance with 5 U.S.C. 556 and 557 in the conduct of the proceeding. The time for filing proposed findings and conclusions and exceptions to any tentative decision shall be set forth in the notice.

(b) Not later than 5 days following the publication of the notice in the FEDERAL REGISTER, required by paragraph (a) of this section, the applying State agency shall publish, or cause to be published, within the State reasonable notice containing the same information.

DECISIONS

§ 1902.20 Decision following informal proceeding.

(a) This section deals with a situation where the Assistant Secretary has (1) afforded interested persons an opportunity to submit written data, views, or arguments concerning a proposal, subject, or issue concerning a plan; or (2) has in addition provided an informal hearing concerning a proposal, subject, or issue concerning a plan.

(b) (1) (i) After consideration of all relevant information which has been presented, if the Assistant Secretary approves a plan he shall issue a decision to that effect.

(ii) In the event the plan is approved under § 1902.2(b), the decision shall state that the plan does not fully meet the criteria set forth in § 1902.3, and shall summarize the schedule and any other measures for bringing the plan up to the level of such criteria.

(iii) The decision shall also reflect the Assistant Secretary's intention as to continued Federal enforcement of Federal standards in areas covered by the plan. Provisions for continued Federal enforcement shall take into consideration: (a) Whether the plan is approved under § 1902.2(a) or § 1902.2(b); (b) the schedule for coming up to Federal standards in any § 1902.2(b) plan; and (c) any other relevant matters.

(2) After consideration of all relevant information contained in any written or oral comments received in any informal proceeding, if the Assistant Secretary proposes to disapprove a plan, or the disposition of a subject or issue permits the possible disapproval of a plan, he shall publish a notice to that effect, and commence a proceeding meeting the requirements of § 1902.19.

§ 1902.21 Tentative decision following formal proceeding.

(a) On the basis of the whole record of any hearing held under § 1902.14 or § 1902.19, the Assistant Secretary shall issue a tentative decision either approving or disapproving the plan. The tentative decision shall include a statement of the findings and conclusions and reasons or bases therefor on all material issues of fact, law, or discretion which have been presented. The tentative decision shall be published in the FEDERAL REGISTER.

(b) The State agency and other interested persons participating in the hearing may waive the tentative decision. In such event the Assistant Secretary shall issue a final decision under § 1902.22.

§ 1902.22 Final decision following formal proceeding.

(a) Except when interested persons participating in the hearing have waived the tentative decision under § 1902.21(b) interested persons participating in the hearing shall have an opportunity to file exceptions to a tentative decision and objections to such exceptions within periods of time to be specified in the tentative decision. An original and four copies of any exception or objections shall be filed.

(b) (1) Thereafter the Assistant Secretary shall issue a final decision ruling upon each exception and objection filed. The final decision shall be published in the FEDERAL REGISTER.

(2) Any final decision approving a plan shall contain the provisions prescribed in § 1902.20(b) (1) (iii) concerning Federal enforcement in areas covered by the plan.

§ 1902.23 Publication of decisions.

All decisions approving or disapproving a plan shall be published in the FEDERAL REGISTER.

Subpart D—Procedures for Determinations Under Section 18(e) of the Act [Reserved]

Subpart E—Procedure for Withdrawal of Plan Approval [Reserved]

Signed at Washington, D.C., this 22d day of October 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-15762 Filed 10-28-71; 8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

SMALL REQUIREMENTS PROVISIONS IN FEDERAL SUPPLY SCHEDULES, EXEMPTION AND DEVIATION AUTHORITY

1. Section 5A-73.114-1 is revised as follows:

§ 5A-73.114-1 Small requirements exemption.

(a) Federal supply schedules shall include the Small Requirements clause set forth in § 5A-73.114-2, except where an exemption has been approved or directed by the Director, Procurement Operations

Division, Federal Supply Service, Washington, D.C. 20406. Contract files shall contain or reference the exemption authority.

(b) The Small Requirements clause shall not be used in instances where the items on schedule are frequently procured to satisfy low value requirements and where it is customary business practice for vendors to honor such small orders at no additional cost: Consider, for example, FSC 65, Part IV: (Ophthalmic Lens (Eye Glasses) and Safety Glasses; Industrial); IG 489, Class 4898: Teletype News Ticker Service; IG 721, Class 7213: Wiping Cloth Service; IG 733, Class 7331: Stenographic Reporting Service; IG 739, Class 7399: Correct-Time Service; IG 769, Class 7699: Manual Typewriter Repair and Maintenance; etc. When the items are only occasionally procured in low value quantities or the smallest unit or unit pack is smaller or greater than the \$50 small requirements limit in the clause, a deviation may be authorized or directed as set forth in § 5A-73.114-3.

2. Section 5A-73.114-2 is amended as follows:

§ 5A-73.114-2 Small requirements clause.

(a) (1) Except for exemptions authorized by § 5A-73.114-1 or deviation authorized by § 5A-73.114-3, all solicitations for Federal supply schedules shall contain the following clause:

(b) The clause and parenthetical statements in paragraph (a) of this section shall be modified accordingly when a change of the prescribed provisions of the clause and statements has been approved or directed in accordance with § 5A-73.114-3.

§ 5A-73.114-2 [Amended]

3. Section 5A-73.114-2(c) is deleted.

4. Section 5A-73.114-3 is revised as follows:

§ 5A-73.114-3 Schedules requiring modified Small Requirements clause.

(a) Exemptions from the \$50 small requirements limit may be authorized or directed for certain Federal Supply Classification (FSC) Group or Industrial Group (IG) and Class items where a different limit is appropriate. For example, the limitation of \$50 for FSC 26, Parts I and II, Tires and Tubes, Pneumatic, may be expanded by providing for "\$50 or one tubeless tire or one tire and tube." Similarly, FSC 61, Part I, Automotive Storage Batteries, may provide for "Not less than five batteries," etc.

(b) All deviations from the Small Requirements provisions in § 5A-73.114-2 must be approved or directed by the Director, Procurement Operations Division, Federal Supply Service, Washington, D.C. 20406. Contract files shall contain or reference the deviation authority. (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: October 13, 1971.

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

[FR Doc.71-15699 Filed 10-28-71; 8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1048-A]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Tracks of the Southern Pacific Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of October 1971.

Upon further consideration of Service Order No. 1048 (35 F.R. 11688 and 19753) and good cause appearing therefor:

It is ordered, That:
Section 1033.1048 *Service Order No. 1048-A* (Union Pacific Railroad Co. authorized to operate over tracks of the Southern Pacific Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., October 26, 1971; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15785 Filed 10-28-71; 8:52 am]

[Second Revised S.O. 1063; Amdt. 3]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of October 1971.

Upon further consideration of Second Revised Service Order No. 1063 (36 F.R.

16583, 13688, 15756) and good cause appearing therefor:

It appearing, that because of a work stoppage by the United Mine Workers, a surplus of general service hopper cars for coal loading has developed; and that the requirements of this order, that such cars be placed or forwarded empty to their owners within 24 hours during the period that this work stoppage is in effect, would not improve car utilization.

It is ordered, That:

Section 1033.1063 *Service Order No. 1063* (Railroad operating regulations for freight car movement), be, and it is hereby, amended by adding the following subdivision (xiv) to paragraph (a) (1) of Second Revised *Service Order No. 1063*:

(xiv) Empty general service hopper cars intended for coal loading are exempt from the provisions of subparagraphs (2) and (4) of this paragraph during the duration of the work stoppage of the United Mine Workers.

Effective date. This amendment shall become effective at 12:01 a.m., October 25, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-15782 Filed 10-28-71; 8:52 am]

[S.O. 1081]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Tracks of the Southern Pacific Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of October 1971.

It appearing, that because present tracks and facilities of the Union Pacific Railroad Co. are inadequate to handle certain unit-train shipments for export

via Long Beach Harbor, Calif., or Los Angeles Harbor, Calif.; that such unit-train shipments can be transported via tracks of the Southern Pacific Transportation Co. between a point of connection with the Union Pacific Railroad Co. in the vicinity of Southern Pacific milepost 501.96, on its Long Beach branch and Southern Pacific milepost 502.01, on its San Pedro branch, a distance of approximately 0.92 mile; that, pending final disposition of the application of the Union Pacific for permanent operating authority, the Commission is of the opinion that operation by the Union Pacific Railroad Co. over this trackage of the Southern Pacific Transportation Co. is necessary to enable the Union Pacific Railroad Co. to handle this traffic, in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1081 *Service Order No. 1081.*

(a) *Union Pacific Railroad Co. authorized to operate over tracks of The Southern Pacific Transportation Co.* The Union Pacific Railroad Co. be, and it is hereby, authorized to operate over tracks of The Southern Pacific Transportation Co. between a point of connection between these companies in the vicinity of Southern Pacific milepost 501.96, on its Long Beach branch and Southern Pacific milepost 501.01, on its San Pedro branch, a distance of approximately 0.92 mile.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Union Pacific Railroad Co. over tracks of The Southern Pacific Transportation Co. is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Union Pacific Railroad Co. over these tracks of The Southern Pacific Transportation Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., October 26, 1971.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Asso-

ciation of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-15783 Filed 10-28-71; 8:52 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[OEP Economic Stabilization Reg. 1,
Circular No. 23]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 23

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

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

This 23d circular covers determinations and policy statements by the Council through October 27, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 23

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

(2) By its Order No. 1, the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabiliza-

tion of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615, as amended.

(3) Executive Order No. 11627 was issued on October 15, 1971, to further implement the President's stabilization program. The order superseded Executive Order No. 11615 of August 15, 1971, but provided in section 13 that all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

(4) The purpose of this circular, the 23d in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* (1) Relevant legal authority for the program includes the following:

The Constitution.

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

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

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

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

Executive Order No. 11627, 36 F.R. 20139, October 16, 1971.

(2) Because of the need for prompt determinations, notice of proposed rule making and public procedure thereon have been found to be impracticable and contrary to the public interest.

(3) Section 200 of OEP Economic Stabilization Circulars Nos. 101, 102, 21, and 22 are amended as of their indicated dates of issue by the addition of the following sentence: "Because of the need for prompt determinations, notice of proposed rule making and public procedure thereon have been found to be impracticable and contrary to the public interest."

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circulars Nos. 101 and 102.

400. *Price guidelines.*

402. *Price ceilings.* (1) The lists of ceiling prices from which the seller is required to provide information to the public must be available at the place of sale on or before a date to be announced subsequently when the Price Commission shall have approved its postfreeze pricing policies and any requirements for ceiling price lists. The ceiling price list may be a single master list for the entire establishment or, alternatively, separate lists of ceiling prices may be maintained in each section or department of the establishment.

Until such lists are prepared and so made available, the seller must utilize the following interim procedure:

(a) There shall be posted on each floor of the seller's establishment at least one sign (minimum of 30" by 40"), as specified below, announcing availability of ceiling price information:

CEILING PRICE INFORMATION

Information regarding the lawful ceiling price for any item sold by this store may be obtained by filling in a Ceiling Price Information Request Form available at (specify location) and by handing it to (fill in). You will receive a speedy answer by mail.

(b) There shall be made available in at least one location on each selling floor, Ceiling Price Information Request Forms, as specified below:

CEILING PRICE INFORMATION REQUEST FORMS

Please furnish me with your ceiling price for the following item sold in your store.

Item _____
(Describe)
Retail price _____
Style No. _____
Department where sold _____
Name _____
Address _____ Zip _____

(c) The seller shall respond to each such written request for ceiling price information within 48 hours from receipt of the request using a letter, in substance similar to the one specified below, and signed by the owner or by an officer of the company:

TO: (Name, Address, City, Zip)

Dear _____:
In reply to your request, we are pleased to inform you that our ceiling price for _____ is \$ _____.

Sincerely,

(Owner or company officer)

NOTE: This paragraph supersedes paragraph 402(10) of Economic Stabilization Circular No. 102.

500. *Wage and salary guidelines.*

501. *General.* (1) As used in Executive Order No. 11615 and Economic Stabilization Regulation No. 1, the term "wages and salaries" includes all forms of remuneration or inducement to employees by their employers, including, but not limited to: Vacation and holiday payments; bonuses; layoff and supplemental unemployment insurance benefits; night shift, overtime, and other premiums; employer contributions to insurance, savings, or other welfare benefits; employer contributions to pension or annuity funds; payments in kind, job perquisites, cost-of-living allowances, expense accounts, commissions, discounts, stock options, payments for deferred compensation, and all other fringe benefits. In addition, there may be no changes in working conditions which result in more pay per hour worked (for example, a schedule which shortens the workweek without a proportionate decrease in pay).

NOTE: This subparagraph supersedes subparagraph 501(2) of OEP Economic Stabilization Circular No. 101.

502. *Specific.* (1) Economic Stabilization Circular No. 102, subparagraph 502 (6) states that the Cost of Living Council would establish a procedure for resolving evidence on prior practice and the pattern of present negotiations with respect to wage increases which are retroactive to a date prior to the freeze.

Evidence in such cases should be forwarded to the Director, Office of Emergency Preparedness. The Office of Emergency Preparedness will request the Department of Labor to make a technical evaluation of the evidence for the Cost of Living Council, obtaining further information, if necessary. The findings of the Department of Labor will be presented to the Cost of Living Council for decision.

(2) Many States have enacted statutes, similar to the Federal Davis-Bacon Act, requiring the payment of wage rates prevailing in the area on construction jobs funded by State agencies. Economic Stabilization Circular No. 102, subparagraph 502(15), provides that the pay of construction workers must be increased, where required by the Davis-Bacon Act, to the wage rates prevailing in the area.

This same guidance applies in the case of construction jobs covered by State statutes similar to the Davis-Bacon Act. In such cases, the ceiling wage rates applied to the State contract activities are those rates established by determinations in the base period. Workers may receive these rates even though they would represent an increase in their wage rates. If no rates had been established in the base

period for the area in which the job is located, a determination may be made by the agent or agency designated under the pertinent statute, but it must be calculated on the base period ending August

14, 1971, established by Executive Order No. 11627.

1001. *Effective date.* This Circular, unless modified, superseded, or revoked, is effective on the date of publication.

Dated: October 28, 1971.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[FR Doc.71-15933 Filed 10-28-71;3:05 p.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitation on Deduction of Bond Repurchase Premium

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 29, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 29, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 163 and 249 of the Internal Revenue Code of 1954 to section 414 of the Tax Reform Act of 1969 (83 Stat. 912), such regulations are amended as follows:

PARAGRAPH 1. Section 1.163-3(c) is amended by changing subparagraph (1) and by adding at the end thereof a new subparagraph (3). These amended and added provisions read as follows:

§ 1.163-3 Deduction for bond discount.

(c) *Deduction upon repurchase.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, if bonds are issued by a corporation and are subsequently repurchased by the corporation at a price in excess of the issue price plus any amount of discount deducted

prior to repurchase, or (in the case of bonds issued subsequent to Feb. 28, 1913) minus any amount of premium returned as income prior to repurchase, the excess of the purchase price over the issue price adjusted for amortized premium or discount is a deductible expense for the taxable year.

(3) The provisions of this paragraph apply to repurchases of convertible bonds and other convertible evidences of indebtedness to which the provisions of section 249 and the regulations thereunder do not apply.

PAR. 2. Paragraph (c) of § 1.163-4, as set forth in a notice of proposed rule making published on July 22, 1971, in 36 F.R. 13606, is revised to read as follows:

§ 1.163-4 Deduction for original issue discount on certain obligations issued after May 27, 1969.

(c) *Deduction upon repurchase.* (1) Except as provided in subparagraph (2) of this paragraph, if bonds are issued by a corporation and are subsequently repurchased by the corporation at a price in excess of the issue price plus any amount of original issue discount deducted prior to repurchase, or minus any amount of premium returned as income prior to repurchase, the excess of the repurchase price over the issue price adjusted for amortized premium or deducted discount is deductible as interest for the taxable year.

(2) The provisions of subparagraph (1) of this paragraph shall not apply to the extent a deduction is disallowed by section 249 (relating to limitation on deduction of bond premium or repurchase of convertible obligation) and the regulations thereunder.

PAR. 3. There are inserted immediately after § 1.248-1 the following new sections:

§ 1.249 Statutory provisions; limitation on deduction of bond premium on repurchase.

SEC. 249. *Limitation on deduction of bond premium on repurchase.*—(a) *General rule.* No deduction shall be allowed to the issuing corporation for any premium paid or incurred upon the repurchase of a bond, debenture, note, or certificate or other evidence of indebtedness which is convertible into the stock of the issuing corporation, or a corporation in control of, or controlled by, the issuing corporation, to the extent the repurchase price exceeds an amount equal to the adjusted issue price plus a normal call premium on bonds or other evidences of indebtedness which are not convertible. The preceding sentence shall not apply to the extent that the corporation can demonstrate to the satisfaction of the Secretary or his delegate that such excess is attributable to the cost of borrowing and is not attributable to the conversion feature.

(b) *Special rules.* For purposes of section (a)—

(1) *Adjusted issue price.* The adjusted issue price is the issue price (as defined in section 1232(b)) increased by any amount of discount deducted before repurchase, or, in the case of bonds or other evidences of indebtedness issued after February 28, 1913, decreased by any amount of premium included in gross income before repurchase by the issuing corporation.

(2) *Control.* The term "control" has the meaning assigned to such term by section 368(c).

[Sec. 249 as added by sec. 414, Tax Reform Act 1969 (83 Stat. 612)]

§ 1.249-1 Limitation on deduction of bond premium on repurchase.

(a) *Limitation.*—(1) *General rule.* No deduction is allowed to the issuing corporation for any "repurchase premium" paid or incurred to repurchase a convertible obligation to the extent the repurchase premium exceeds a "normal call premium."

(2) *Exception.* Under paragraph (e) of this section, the preceding sentence shall not apply to the extent the corporation demonstrates that such excess is attributable to the cost of borrowing and not to the conversion feature.

(b) *Obligations.*—(1) *Definition.* For purposes of this section, the term "obligation" means any bond, debenture, note, or certificate or other evidence of indebtedness.

(2) *Convertible obligation.* Section 249 applies to an obligation which is convertible into the stock of the issuing corporation or a corporation which, at the time the obligation is issued or repurchased, is in control of or controlled by the issuing corporation. For purposes of this subparagraph, the term "control" has the meaning assigned to such term by section 368(c).

(3) *Comparable nonconvertible obligation.* A nonconvertible obligation is comparable to a convertible obligation if both obligations are of the same grade and classification, with the same issue and maturity dates, and bearing the same rate of interest. The term "comparable nonconvertible obligation" does not include any obligation which is convertible into property.

(c) *Repurchase premium.* For purposes of this section—

(1) The term "repurchase premium" means the excess of the repurchase price paid or incurred to repurchase the obligation over its "adjusted issue price."

(2) The term "adjusted issue price" means the issue price (as defined in section 1232(b) and the regulations thereunder) increased by any amount of discount deducted before repurchase, or, in the case of convertible obligations issued after February 28, 1913, decreased by any amount of premium included in gross income before repurchase. For rules applicable to deduction of discount, see

§§ 1.163-3 and 1.163-4. For rules applicable to amortization of bond premium see § 1.61-12.

(d) *Normal call premium*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, for purposes of this section, a "normal call premium" on a convertible obligation is an amount equal to a normal call premium on a nonconvertible obligation which is comparable to the convertible obligation. A normal call premium on a comparable nonconvertible obligation is a call premium specified in dollars under the terms of such obligation. Thus, if such a specified call premium is constant over the entire term of the obligation, the normal call premium is the amount specified. If, however, the specified call premium varies during the period the comparable nonconvertible obligation is callable or if such obligation is not callable over its entire term, the normal call premium is the amount specified for the period during the term of such comparable nonconvertible obligation which corresponds to the period during which the convertible obligation was repurchased.

(2) *One-year's interest rule.* Under this subparagraph, a call premium specified in dollars under the terms of a convertible obligation shall be considered to be a normal call premium on a nonconvertible obligation if the call premium on the convertible obligation so specified which is applicable at the time it is repurchased does not exceed an amount equal to 1 year's interest payable on such obligation increased by the amount of discount on the obligation deductible under § 1.163-3 or 1.163-4 (as the case may be) for the corporation's taxable year during which the repurchase occurred or reduced by the amount of issue premium includible in income under § 1.61-12(c) for such taxable year (computed as if the obligation were not repurchased). The provisions of this subparagraph shall not apply if the amount of interest payable for the corporation's taxable year is subject under the terms of the obligation to any contingency other than repurchase prior to the close of such taxable year.

(e) *Exception*—(1) *In general.* If a repurchase premium exceeds a normal call premium, the general rule of paragraph (a) (1) of this section does not apply to the extent that the corporation demonstrates to the satisfaction of the Commissioner or his delegate that such repurchase premium is attributable to the cost of borrowing and is not attributable to the conversion feature. For purposes of this paragraph, if a normal call premium cannot be established under paragraph (d) of this section, the amount thereof shall be considered to be zero.

(2) *Determination of the portion of a repurchase premium attributable to the cost of borrowing and not attributable to the conversion feature.* (i) The portion of a repurchase premium which is attributable to the cost of borrowing and which is not attributable to the conversion feature is the greater of the amounts

determined under subdivision (ii) or (iii) of this subparagraph.

(ii) The amount in this subdivision is the amount by which the selling price of the convertible obligation increased between the dates it was issued and repurchased by reason of a decline in yields on comparable nonconvertible obligations traded on an established securities market or, if such comparable traded obligations do not exist, by reason of a decline in yields generally on nonconvertible obligations which are as nearly comparable as possible.

(iii) The amount in this subdivision is the amount by which the selling price of the convertible obligation increased between the dates it was issued and repurchased by reason of an improvement between such dates in the corporation's credit rating or the credit rating of the obligation, determined, for example, on the basis of widely published ratings of recognized credit rating services, but only to the extent that such amount is or would be reflected in a decrease between such dates in yields on nonconvertible obligations issued by the corporation.

(iv) The relationship between selling price and yields in subdivisions (ii) and (iii) of this subparagraph shall ordinarily be determined by means of standard bond tables.

(f) *Effective date*—(1) *In general.* Under section 414(c) of the Tax Reform Act of 1969, the provisions of section 249 and this section shall apply to any repurchase of a convertible obligation occurring after April 22, 1969, other than a convertible obligation repurchased pursuant to a binding obligation incurred on or before April 22, 1969, to repurchase such convertible obligation at a specified call premium. A binding obligation on or before such date may arise if, for example, the issuer irrevocably obligates itself, on or before such date, to repurchase the convertible obligation at a specified price after such date, or if, for example, the issuer, without regard to the terms of the convertible obligation, negotiates a contract which, on or before such date, irrevocably obligates the issuer to repurchase the convertible obligation at a specified price after such date. A binding obligation on or before such date does not include a privilege in the convertible obligation permitting the issuer to call such convertible obligation after such date, which privilege was not exercised on or before such date.

(2) *Effect on transactions not subject to this section.* No inferences shall be drawn from the provisions of section 249 and this section as to the proper treatment of transactions not subject to such provisions because of the effective date limitations thereof. For provisions relating to repurchases of convertible bonds or other evidences of indebtedness to which section 249 and this section do not apply, see §§ 1.163-3(c) and 1.163-4(c).

(g) *Example.* The provisions of this section may be illustrated by the following example:

Example. On May 15, 1968, corporation A issues a callable 20-year convertible bond at face for \$1,000 bearing interest at 10 per-

cent per annum. The bond is convertible at any time into 2 shares of the common stock of corporation A. Under the terms of the bond, the applicable call price prior to May 15, 1975, is \$1,100. On June 1, 1974, corporation A calls the bond for \$1,100. Since the repurchase premium, \$100 (i.e., \$1,100 minus \$1,000), was specified in dollars in the obligation and does not exceed 1 year's interest at the rate fixed in the obligation, the \$100 is considered under paragraph (d) (2) of this section to be a normal call premium on a comparable nonconvertible obligation. Accordingly, A may deduct the \$100 under § 1.163-3(c).

[FR Doc.71-15797 Filed 10-29-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 232]

FLATHEAD IRRIGATION PROJECT

Power Sales Schedules

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM2 (32 F.R. 13938), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 F.R. 637), and by authority delegated to the Project Engineer by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to add §§ 232.55 and 232.56 of Title 25, Code of Federal Regulations, to add a rate schedule for the sale of electric power for irrigation pumping and a rate schedule for the sale and service of lighting facilities. The purpose of these additions is to establish rates for power sales in these categories for the Flathead Indian Irrigation Project.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed rates to the Project Engineer, Bureau of Indian Affairs, Flathead Indian Irrigation Project, St. Ignatius, Mont. 59865, within 30 days of publication of this notice in the FEDERAL REGISTER.

§ 232.55 Rate Schedule No. 5: Irrigation pumping and sprinkling.

(a) *Application of schedule.* This schedule is available for single-phase and three-phase service used exclusively for irrigation pumping and sprinkling during the irrigation season, normally April 15 through October 15, where service may be discontinued during the balance of the year and the transformers removed at the discretion of the Project. Unless specifically permitted by the contract, use must be limited to the consumer's premises and must not be resold. If more than one meter is required by the customer's installations, or for the consumer's convenience, a separate computation will be made for each meter.

(b) *Rate per season or fraction thereof:* \$7 per horsepower connected; 0.7 cent per kilowatt hour for all kilowatt hours used.

(c) *Special terms and conditions.* (1) The minimum annual (seasonal) horsepower charge of \$7 per connected horsepower shall be paid each year during the life of the contract. Payment shall be required each year before the service is connected. If the service has not been connected by the close of the irrigation season, but in no case later than October 15, the minimum annual (seasonal) charge will be assessed.

(2) At the close of the irrigation season, but in no case later than October 15 of each year, the meter will be read and the total seasonal energy use (kilowatt-hours) will be computed and billed. The bills shall be due and payable within 30 calendar days after date of issue.

(3) If an account becomes delinquent, the Project Engineer shall have the option to cancel the contract, remove the Project's facilities, and demand payment of all delinquent bills, plus any penalties provided in the contract for premature termination of the contract.

(4) For a delinquent account to be reconnected payment will be required for all delinquent bills, plus the estimated energy charge for the coming season, plus the annual seasonal charge of \$7 per horsepower.

§ 232.56 Rate Schedule No. 6: Street and area lighting.

(a) *Application of schedule.* This schedule is available in the Project's service area where adequate capacity, phase and voltage are available for individual users of area lighting and for communities who desire a lighting system. Service is from dusk to dawn and the Project will own, operate and maintain the lights, including lamp and globe replacement and furnishing the necessary power and energy.

(b) *Rate per unit.* (1) Area Light installed on existing pole or structure:

7,000 Lumen unit... \$3.35 per month.
20,000 Lumen unit... \$4.45 per month.

(2) Area Light installed with new wood pole:

7,000 Lumen unit... \$3.85 per month.
20,000 Lumen unit... \$4.95 per month.

(c) *Special conditions.* (1) Where more than 150 feet of extension and/or one pole per unit are required the customer will make a nonrefundable contribution for the overage at actual cost to the Project. Ownership of all facilities remains with the Project.

(2) The original term of contract shall be not less than 3 years. Should termination be requested by the customer within the contract minimum period, he shall be liable for the in and out costs, or the balance of the contract charges, whichever is the lesser.

(3) In case of municipalities or other entities desiring a lighting system with fixtures, supports, or poles differing from those supplied as standard, the Project

Engineer shall negotiate a contract for supplying this service.

GEORGE L. MOON,
Project Engineer.

[FR Doc.71-15700 Filed 10-28-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 726]

BURLEY TOBACCO

Marketing Quotas for 1972-73 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary under section 319 is preparing to determine and announce, with respect to burley tobacco for the 1972-73 marketing year, the amount of the national marketing quota, the national reserve, and the national factor. Burley tobacco farmers approved marketing quotas on a poundage basis for the 1971-72, 1972-73, and 1973-74 marketing years (36 F.R. 9843).

Section 319(b) provides, in part, that the Secretary shall determine and announce, not later than the February 1 preceding the second and third marketing years of any 3-year period for which marketing quotas on a poundage basis are in effect, the amount of the national marketing quota for each of such years.

Section 319(c) provides that the national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established.)

Section 319(e) provides, in part, that the farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less

the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year; *Provided*, That such national factor shall not be less than 95 per centum; *Provided further*, That for the marketing years beginning October 1, 1972, and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half of the sum of the figure one 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 one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments); *Provided*, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments); *Provided*, That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

Section 319(e) provides also, that the farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco; *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established; *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

Section 319(h) provides that effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the 5 years immediately preceding the year for which

[7 CFR Part 752]

WATER BANK PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture is considering the issuance of regulations governing the Water Bank Program as authorized by the Water Bank Act, 84 Stat. 1468, 16 U.S.C. 1301.

Under the program, the Secretary would enter into 10-year agreements with landowners and operators in important migratory waterfowl nesting and breeding areas for the conservation of water on specified farm, ranch, or other wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located. The term "wetlands" is defined in section 3 of the Water Bank Act as meaning the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the U.S. Department of the Interior (including artificially developed inland fresh areas which meet the description of inland fresh areas, types 1 through 5, contained in such Circular 39). In brief, inland fresh wetland areas types (1) through (5) include (1) seasonally flooded basins or flats, (2) fresh meadows, (3) shallow fresh marshes, (4) deep fresh marshes, and (5) open fresh water.

Section 4 of the Act provides, in part, that in the agreement between the Secretary and an owner or operator, the owner or operator shall agree—

- (1) Not to drain, burn, fill, or otherwise destroy the wetland character of the areas placed under agreement, nor to use such areas for agricultural purposes, as determined by the Secretary;
- (2) To effectuate the wetland conservation and development plan for his land in accordance with the terms of the agreement;
- (3) Not to adopt any practice specified by the Secretary as a practice which would tend to defeat the purposes of the agreement; and
- (4) To such additional provisions as the Secretary determines are desirable and includes in the agreement to effectuate the purposes of the program or to facilitate its administration.

Section 5 of the Act provides, in part, that in return for the agreement of the owner or operator, the Secretary shall (1) make an annual payment to the owner or operator for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the owner or operator, and (2) bear such part of the average cost of establishing and maintaining conservation and development practices on the wetlands and adjacent areas for the purposes of the Act as the Secretary determines to be appropriate.

The Water Bank Program will be operated within the 1972 fiscal year appropriation of \$10 million (Public Law 92-73, 85 Stat. 198), which will be used to meet all obligations for the full 10 years of the agreements entered into in 1972. It is estimated that this level of

farm marketing quotas are being established.

Section 319(i) provides, in part, that if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

The Act (7 U.S.C. 1301(b)) defines the "reserve supply level" of burley tobacco as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to burley tobacco for the 1972-73 marketing year are:

1. The amount of the national marketing quota.
2. The amount of the national reserve.
3. The national factor.
4. Whether the Secretary should implement the provision in section 319(i) to encourage additional marketings of any grades to insure traditional market patterns.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, DC 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 (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

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

[FR Doc.71-15768 Filed 10-28-71;8:51 am]

funding will permit agreements covering approximately 140,000 acres of wetlands. In view of the size of the program available for 1972, it is anticipated that the program will be limited to selected areas having eligible wetlands with a high potential for migratory waterfowl nesting and breeding.

Prior to the formulation of regulations governing the program, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Conservation and Land Use Programs Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on October 21, 1971.

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

[FR Doc.71-15769 Filed 10-28-71;8:51 am]

Consumer and Marketing Service

[7 CFR Part 1094]

[Docket No. AO 103-A32]

MILK IN NEW ORLEANS, LA.,
MARKETING AREANotice of Recommended Decision and
Opportunity to File Written Exceptions
on Proposed Amendments to
Tentative Marketing Agreement
and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New Orleans, La., marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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 practices and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as herein-after set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at New Orleans, La., on August 11-12, 1971, pursuant to notice thereof which was issued August 5, 1971 (36 F.R. 14390).

The material issues on the record of the hearing relate to:

1. Pooling standards for supply plants and diversion of producer milk.
2. Pricing point on diverted milk.
3. Fluid milk product definition.
4. Class II price.
5. Location differentials to handlers.

FINDINGS AND CONCLUSIONS

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

1. *Pooling standards for supply plants and diversion of producer milk.* (a) The order should require, for pooling eligibility, a supply plant to ship 45 percent of its dairy farm receipts to distributing plants; also, the months for which a supply plant must qualify in order to retain pool plant status during the months of flush production without making the required qualifying shipments should be changed to August through November.

At the present time the order contains one provision governing the pool plant qualification requirements for a supply plant operated by either a proprietary handler or a cooperative association and another provision specifying the pooling requirements for a "balancing plant" operated by a cooperative association.

While a supply plant must ship 50 percent of its eligible milk receipts at such plant to pool distributing plants, the cooperative balancing plant may hold pool status if at least 50 percent of the eligible milk of member producers is delivered from farms to pool distributing plants.

Both the major cooperative on the market and a proprietary handler proposed a reduction in the present requirement that a supply plant must ship at least 50 percent of its receipts to distributing plants in certain months to qualify as a pool plant. Both proposed 35 percent as an appropriate figure.

The cooperative association proposed that milk transferred from its supply balancing plant at Franklinton, La., to distributing plants in New Orleans be added to the volume of member milk delivered directly from the farm to distributing plants, in determining the eligibility of its balancing plant for pooling status. At the present time, the combined total would be slightly in excess of 50 percent of the total receipts from member producers.

The proprietary handler, who also operates a supply plant at Franklinton, La., as well as a bottling plant in New Orleans, testified that his Franklinton plant similarly has difficulty in meeting the present 50 percent shipping requirement during the months in which a supply plant must qualify for pool plant

status. As producers have increased their production in recent years, this plant now has surplus in excess of 50 percent of producer receipts during the months of September through January. The surplus is transferred or diverted to manufacturing plants 165 miles or more from New Orleans.

This handler testified that he has not taken on a new producer in 6 or 7 years. Despite this fact, the average production per producer has increased to the point where the handler claims he may be unable to accept all of the milk of his producers and continue to qualify his supply plant.

Although some milk is regularly moved by the cooperative association from its Franklinton plant to several small handlers in New Orleans, the principal function of the plant is to balance the milk supply for a large majority of handlers in the market. Milk not needed for fluid use is received at this plant and manufactured into dairy products. At times receipts may be in excess of the manufacturing capacity of the plant and any such excess is transported to other more distant manufacturing plants.

For the past several months this plant has been unable to meet the pool plant standards, either as a shipping supply plant or as a plant operated by a cooperative association supplying member milk directly to pool distributing plants. The increase in milk production in the New Orleans market has made it impossible in recent months for the cooperative to qualify the plant on the basis of direct shipments of milk from member-producers' farms. Because the volume of milk regularly transferred from the Franklinton plant to distributing plants in New Orleans is only a small percentage of the total receipts at Franklinton, the plant does not meet the pooling requirements for a shipping supply plant.

Milk production in this market increased from a monthly average of 41.9 million pounds in 1968 to 44.6 million pounds in 1969, and to 47.8 million pounds in 1970. From January through August of 1971, producer receipts have averaged approximately 52.5 million pounds monthly compared to a monthly average of 46.5 million pounds during the same months of 1970.

Class I utilization in this market has not kept pace with production, causing the percent of Class I utilization to decline from 68.50 percent in 1968 to 63.96 percent in 1970. From January through August of 1971, Class I utilization averaged 54.38 percent monthly compared to a monthly average of 64.49 percent for the same months of 1970. (Official notice is taken of the August 1971 "Statistical summary and Comparison of Milk Receipts and Utilization" for the New Orleans milk marketing area, from which all data set forth in this decision for the months of July and August of 1971 were taken.)

To insure a continuing market for those producers who have been regularly associated with the New Orleans market, the shipping requirements for a supply plant should be modestly reduced. The

procedure for qualifying a cooperative balancing plant for pooling should be further modified to count shipments from such plant to pool distributing plants in addition to direct receipts of the cooperative's member milk, as presently provided.

Although both the cooperative association and the proprietary handler operating a supply plant proposed that the qualifying shipments for a supply plant be reduced from 50 percent to 35 percent, it is concluded that a reduction to 45 percent will accommodate the requirements of the market at the present time. Reducing the percentage to 35 percent would permit a substantial volume of unneeded additional milk to be added to the market. In view of the present supply demand situation, the requirements should not be reduced to the point where additional quantities of milk, which could only be used for manufacturing, would be encouraged to come onto the market.

These changes in pooling standards in conjunction with the change in the qualifying months discussed below should accommodate the continued pooling of the cooperative's balancing plant and the one shipping supply plant operating in the market.

All shipments of member producer milk from farms directly to pool distributing plants by the cooperative acting as a bulk tank handler will be considered as though transferred from the cooperative's plant to such pool distributing plants for purposes of determining whether such plant has met the performance requirements for a pool supply plant. If a cooperative association operates more than one supply-type plant in the market, all direct deliveries to pool distributing plants by the cooperative acting as a bulk tank handler shall be assigned, for this purpose, to its supply plant nearest New Orleans, La.

Additional plants of the cooperative could qualify, of course, for pool supply plant status on the basis of actual shipments from the plant to pool distributing plants.

At present, a supply plant that was a pool plant during each of the months of September through November is automatically qualified as a pool plant during December, unless the operator of the plant notifies the market administrator that he does not wish the plant to retain pool plant status. A supply plant that qualified as a pool plant on the basis of shipments to pool plants during each of the months of September through November, and for either December or January following, likewise is automatically qualified for pooling during the months of January, or February, as the case may be, through August, unless the market administrator is notified by the plant operator that he does not wish such plant to retain pooling status.

The major cooperative testified that under present marketing conditions it is extremely difficult for a supply plant to meet the minimum delivery requirement during the months of December and January. It proposed that the qualifying

period for automatic pooling status be changed to the months of August to November, inclusive.

Class I sales relative to production during December and January are normally low due to the closing of school during the Christmas and New Year's holiday season and because consumers tend to drink less milk during the holiday season. In addition, production of milk in the New Orleans market is at or near its peak during the months of December and January.

The percentage of milk utilized in Class I in August in each of the past 3 years has been higher than in either December or the following January. In August 1970, the Class I utilization was 64.54 percent. In December it was only 51.10 percent and in January 1971 it was 49.96 percent. Therefore, the qualifying period for pool supply plants should include the month of August rather than December or January.

The August through November qualification period adopted has a substantially higher utilization than the present period of September through December or January. In the present supply situation to require shipments at the 45 percent rate in December (or January) to maintain automatic qualification in the following flush production months would result in inefficient and uneconomical movements of milk just to meet the delivery requirements. Consequently, shipments of milk at the specified rate should be limited to the months of August through November.

A proposal to allow milk transferred from a nonpool supply plant receiving producer milk to a pool distributing plant to be considered as a direct movement from the farm to the distributing plant is denied.

As stated by a spokesman for the proponent cooperative association, this proposal would assure that even if its supply plant fails to qualify as a pool plant, shipments of milk from that plant to pool distributing plant, nevertheless would be considered producer milk and eligible for pooling. He added that if the cooperative's Franklinton plant were assured of pool plant status every month this proposal would not be necessary, but that it would provide "insurance" in the event the plant did not otherwise qualify, as a pool plant.

The changes made in the standards a supply plant must meet for qualification as a pool plant should accommodate the pooling of the plant of the cooperative association in all months. Therefore, there is no need for the latter proposed change.

(b) The limitation on diversions to nonpool plants during certain months of the year should be relaxed slightly with respect to both cooperative associations and proprietary handlers. During the months of August through November a cooperative association should be allowed to divert 35 percent of its total member producer milk physically received at all pool plants during the month. Likewise, during the months of August through November a proprietary

handler should be allowed to divert up to 35 percent of the nonmember producer milk physically received at his plant(s).

During January, and the period September through November, cooperatives currently must limit their member producer diversions to 20 percent of the member producer milk physically received at all pool plants. Similarly, a proprietary handler may divert up to 20 percent of his nonmember producer receipts during these months. There is no limitation on diversions during other months.

The order now contains a further provision whereby, if the 20 percent limitation is exceeded by a cooperative or proprietary handler, the milk of any cooperative member or nonmember producer, as the case may be, may be diverted for no more than 15 days during the month. Under this provision, if sufficient care were exercised in selecting the loads of milk to be diverted each day, as much as half the producer milk in the market could be diverted in any month.

Since it is most economical to divert to manufacturing plants the milk of producers whose farms are located closest to such plants, the extra transportation costs and the added bookkeeping involved tend to reduce the effectiveness of this provision as an aid in disposing of the market's reserve supply. Its principal purpose has been to determine the milk that would be pooled in the event more than 20 percent of the producer milk of a handler has been diverted.

The cooperative that handles over 80 percent of the market's reserve supply proposed the relaxation in diversion privileges.

As noted above, producer receipts have turned sharply upward in the New Orleans market. With increasing producer receipts, the cooperative is finding it extremely difficult to remain within the 20 percent limit on diversions of member producer milk. The result could be that the milk of producers who have been regularly associated with this market may not be able to qualify as producer milk under the present provision.

In view of the above, it is concluded that the present limitation on diversions in the order should be amended as proposed.

The percentage limits on diversions to nonpool plants now apply to the month of January, and for the period of September through November. There is no limit on diversions during the month of December and for the period of February through August.

Although there was no proposal to change the months for which the limitation applies to such diversions, it is apparent that a conforming change is necessary to achieve consistency among provisions.

A change in the pool plant qualification months for a supply plant is adopted herein. As previously stated, this change will require a supply plant to ship 45 percent or more of its receipts to pool distributing plants during the months of August through November in order to remain automatically qualified as a pool

plant for the following months of December through July.

The months of August through November also should be the months in which there should be some limitation on diversions to nonpool plants. These are the months in which the market utilization is highest. The limitation need not apply at this time to the relatively flush production months of December and January. No proposal was made, and no evidence presented, in support of imposing a limitation on diversions to nonpool plants other than during the highest utilization months.

Denied is a proposal to permit the milk of individual producers to be so diverted up to 20 days in any month. As discussed above, the present provision that permits the milk of an individual producer to be diverted up to 15 days in a month has functioned principally in determining the milk that would be pooled in the event of over diversion on a percentage basis.

The provisions dealing with diversions to pool and nonpool plants are found under the definition of "producer" as the order is now written. Also included under the producer definition are the conditions governing whether milk of dairy farmers will be considered "producer milk." These conditions state where such milk must be received, by whom it may be handled, how it may be diverted, and where such diverted milk shall be priced.

To improve the organization of this order and to achieve greater uniformity in format with other Federal orders, these provisions, as amended at this hearing, have been moved to the definition of "producer milk."

2. *Pricing point on diverted milk.* Diverted producer milk should be priced at the plant of physical receipt.

The only supply plants identified with the New Orleans market as pool plants in the past are located at Franklinton, La. At least one of these plants also has been a nonpool plant at times. When the Franklinton plant of the cooperative association qualified as a pool plant, the milk of producers received at the plant was priced at such location, approximately 95 miles from New Orleans. The applicable location differential there is 19.5 cents.

Since February 1971, however, the plant has been a nonpool plant. Most of the milk received at the plant during the period it has been a nonpool plant has continued to be producer milk by diversion. The cooperative association has arranged for the milk to be received at a New Orleans distributing plant in sufficient amounts to be considered as diverted to Franklinton from the New Orleans pool plant at which it had been received previously. In the latter circumstance the milk has been priced as if received at New Orleans rather than at Franklinton. Under the order milk diverted to a nonpool plant currently is priced at the location of the diverting plant. Thus, the uniform price to these producers has been 19.5 cents higher than when the Franklinton plant was a pool plant.

When the present provision was adopted it was not contemplated that the uniform price to producers at a particular plant would differ depending on whether the plant was a pool plant or a nonpool plant. Pricing the milk at the plant from which diverted consequently has the effect of subsidizing, at the expense of all producers in the pool, the producers whose milk is received at Franklinton at times when it is a non-pool plant, or when the milk is diverted to more distant manufacturing plants rather than delivered to the market center. The subsidization occurs because such producers receive the uniform price f.o.b. the market center (zero zone) on such milk, which is not moved to the market center and on which the full hauling cost from farm to market center has not been incurred.

While considered appropriate at one time, when local markets were clearly distinguishable and when milk in this market was diverted to nearby manufacturing plants that are no longer in operation, this provision currently does not serve the same purpose as originally intended. In addition to creating the situation described above whereby the uniform price for milk of the same producers delivered as producer milk to the same country plant varies from month to month, depending on the pool status of the plant, the present provision provides a potentially disruptive device for associating distant milk only for the purpose of receiving a higher price at the expense of producers regularly supplying the distributing plants.

3. *Fluid milk product definition.* The fluid milk product definition should be amended by deleting the word "yogurt." Reclassifying yogurt as a Class II product will enable the only handler making yogurt in the New Orleans market to purchase raw milk for yogurt at a price competitive with the prices paid by other manufacturers of yogurt in the southeastern United States.

At the present time, yogurt is considered to be a fluid milk product in the New Orleans market and, as such, is priced at the Class I price.

Proponent testified that his company distributed yogurt in the States of Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Louisiana. While at one time this handler was virtually alone in the production and sale of yogurt in this part of the country, there are now nine major competitors distributing yogurt in these States. All these competitors are either unregulated or regulated in other Federal orders classifying yogurt as a Class II product.

The general manager of proponent's New Orleans distributing plant testified that 30 percent of its yogurt sales in the New Orleans market has already been lost to a major competitor regulated in the Georgia market. He also stated that this figure likely will increase with the present price disparity, forcing his company to move its yogurt operation to another location not regulated by this order. The record supports the reclassification of yogurt as a Class II product at this time.

4. *The Class II price.* No action should be taken on the several proposals to amend the price of Class II milk used to produce various products or moved to specified types of plants.

Pricing of milk is dependent upon its ultimate use in fluid form or in finished milk products. These provisions in the New Orleans order have ramifications for close-by and even for more distant markets in competition with New Orleans, not only in the purchase of farm supplies of milk, but also in finished products.

Pursuant to requests by proponents here and others, a hearing now in progress held for New Orleans and other Federal order marketing areas, is considering the classification and related pricing provisions of these orders. Therefore, proposals to decrease the Class II price for milk disposed of in certain Class II uses or transferred to specified types of plants are denied at this time.

5. *Location differentials to handlers.* A proposal to permit a location differential on Class II milk is denied.

A handler proposed that a location differential of 13.5 be applied on all producer milk received at a pool plant more than 50 miles from New Orleans or Houma, La., and classified as Class II milk.

The proponent operates a plant in New Orleans and a receiving station at Franklinton. He regularly hauls some bulk milk from Franklinton to his New Orleans plant for Class II use. His competitors in New Orleans receive most of their milk directly from producer farms. He claims that he is disadvantaged in that he bears the cost of transporting the milk for Class II use from Franklinton to New Orleans, while his competitors have no transportation cost on the milk received from producers at their New Orleans plants and used in Class II products.

It is a handler's own decision whether to haul milk in bulk for Class II use to New Orleans from a supply plant, rather than convert it into Class II products at the supply plant location or to receive it directly in New Orleans, as do competing handlers. This is a business decision. If, in fact, the handler does experience disadvantage because of the decision he has made, it would not be equitable to require producers to subsidize his error in judgment through a location differential on the milk he receives at Franklinton that is ultimately utilized in a Class II product.

Accordingly, the Class II price should continue to apply uniformly throughout the marketing area.

RULINGS

A request was made by the Wisconsin Cheese Makers Association to postpone the hearing for a period of 60 days to allow additional time to evaluate certain proposals dealing with pricing and classification and to prepare testimony. In view of the lateness of this request, made only after the hearing had already begun, it was denied.

As earlier indicated, a decision has been made to defer any action on the proposed changes in classification and

pricing, other than with respect to yogurt, until completion of the regional hearing for several marketing areas, including New Orleans. This hearing is providing opportunity to consider a more uniform basis for pricing and classifying milk for a substantial number of markets.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

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

GENERAL FINDINGS

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

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

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

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

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New Orleans, La., marketing area is recommended as the detailed and appropriate means by

which the foregoing conclusions may be carried out:

1. In § 1094.10, paragraphs (b) and (c) are revised as follows and paragraph (d) is revoked:

§ 1094.10 Pool plant.

(b) A supply plant from which not less than 45 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped to and physically received at plants qualifying for the month pursuant to paragraph (a) of this section. In the case of a supply plant operated by a cooperative association, all member-dairy farmer milk shipped directly from farms to pool distributing plants pursuant to § 1094.12(d) will be considered to have been received at the supply plant and transferred from that plant for purposes of determining its pool status under this paragraph. In the event a cooperative operates more than one supply plant, all deliveries to pool distributing plants pursuant to § 1094.12(d) shall be assigned, for this purpose, to the plant nearest New Orleans, La.; and

(c) Any supply plant that was a pool plant pursuant to paragraph (b) of this section during each of the immediately preceding months of August through November shall continue to be a pool plant the following months of December through July, unless the operator notifies the market administrator in writing before the first day of any such month of his intent to withdraw such plant as a pool plant, in which case, such plant shall thereafter be a nonpool plant except in any month it qualifies as a pool plant pursuant to paragraph (b) of this section.

(d) [Revoked]

2. In paragraph (c) of § 1094.12, the reference "in accordance with § 1094.14" is changed to "in accordance with § 1094.15."

3. In § 1094.12, paragraph (d) is revised as follows:

§ 1094.12 Handler.

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another person in a tank truck owned and operated by, under contract to, or under the control of such association (unless the association and the person operating the pool plant both notify the market administrator, in writing, prior to the time of delivery that the pool plant operator is to be held responsible to the pool for such milk). For purposes of pricing, such milk shall be deemed to have been received by the association from producers at the location of the pool plant at which such milk is physically received.

4. Section 1094.14 is revised to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk, in compliance with Grade A inspection requirements of a duly constituted health authority, which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1094.12(d) or is diverted pursuant to § 1094.15(d) from a pool plant to a non-pool plant.

5. Section 1094.15 is revised to read as follows:

§ 1094.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, except any such milk received by diversion from another order plant at which such milk is fully subject to the pricing provisions of the other order and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provision of § 1094.46(b);

(b) Received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1094.12(d);

(c) Diverted from a pool plant to the pool plant of another handler. Milk so diverted shall be deemed to have been received at the location of the plant to which diverted; and

(d) Diverted by the operator of a pool plant or a cooperative association to a nonpool plant subject to the following conditions:

(1) During December through July such diversions may be made without limit;

(2) During August through November such diversions shall be limited to the amounts specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) A cooperative association may divert the milk of any eligible member-dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of such member milk physically received at all pool plants during the month;

(ii) The operator of a pool plant may divert from such plant the milk of any eligible nonmember dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of such nonmember milk physically received at such pool plant during the month; and

(iii) If the 35 percent limitation described in subdivisions (i) and (ii) of this subparagraph is exceeded, the diversion of any eligible dairy farmer's milk shall be limited to 15 days' production during any such month. If this 15-day limitation is exceeded for any such dairy farmer, he shall be eligible for pooling only with respect to that milk physically received at pool plants during the month;

(3) Diverted milk shall be deemed to have been received at the location of the plant to which diverted; and

(4) Diversion to an other order plant shall be limited to Class II use.

6. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog), cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

Signed at Washington, D.C., on October 22, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 71-15732 Filed 10-28-71; 8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 71-SW-53]

JET ROUTE SEGMENTS

Proposed Alteration and Extension

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would alter segments of Jet Route Nos. 6, 8, 19, 72, 76, 78, 96, 102, and 134.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals 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 airspace actions proposed in this docket would:

1. Realign J-6 segment from Prescott, Ariz., via Zuni, Ariz., to Albuquerque, N. Mex.

2. Extend and realign J-8 segment from Needles, Calif., via Winslow, Ariz.; Gallup, N. Mex.; Las Vegas, N. Mex.; Borger, Tex.; intersection of Borger 095° T (084° M) and Kingfisher, Okla., 261° T (252° M) radials; to Kingfisher.

3. Realign J-19 segment from Phoenix, Ariz., via intersection of Phoenix 051° T (037° M) and Zuni 242° T (228° M) radials; Zuni; to Las Vegas.

4. Realign J-72 segment from Winslow via Zuni to Albuquerque.

5. Realign J-76 segment from Las Vegas via Tucumcari, N. Mex., to Wichita Falls, Tex.

6. Realign J-78 segment from Prescott via Zuni to Albuquerque.

7. Realign J-96 segment from Prescott via the intersection of Prescott 084° T (070° M) and Gallup, N. Mex., 246° T (232° M) radials; to Gallup.

8. Realign J-102 segment from Phoenix via the intersection of Phoenix 051° T (037° M) and Gallup 231° T (217° M) radials; to Gallup.

9. Realign J-134 segment from Prescott via the intersection of Prescott 084° T (070° M) and Gallup 246° T (232° M) radials; to Gallup.

These proposed actions provide for the establishment of parallel jet routes in the Los Angeles and Albuquerque Air Traffic Control Center areas to facilitate the movement of high altitude enroute traffic. In addition, they will provide flexibility for the movement of climbing or descending turbojet aircraft into or away from the jet route structure.

These amendments are 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 October 21, 1971.

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

[FR Doc. 71-15722 Filed 10-28-71; 8:47 am]

[14 CFR Part 91]

[Docket No. 11464; Notice 71-35]

AIRCRAFT LEASE AGREEMENTS

Proposed Requirement for "Truth in Leasing" Clause

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to require a truth in leasing clause to be included in certain leases and contracts of conditional sale involving any civil aircraft of U.S. registry that are large or turbine powered multiengine; to require a copy of the lease or contract to be furnished to the FAA; and to require a copy to be carried in the aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the

regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before January 28, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

A recent study of air charter operations by the Assistant Secretary of Transportation for Safety and Consumer Affairs culminated in a report consisting of recommendations for increasing the safety of operations involving any large or turbine powered multiengine civil aircraft of U.S. registry that are being operated under a lease or contract of conditional sale arrangement.

The report substantiates the fact that in many instances lessees and conditional buyers of those aircraft did not realize that, upon consideration of all the circumstances surrounding the arrangement entered into and the operation conducted, they were responsible for operational control of the aircraft as defined in Part 1 of the Federal Aviation Regulations. In other cases, it is reported that even if the lessee or conditional buyer did realize it, very few recognized the responsibilities undertaken for compliance with the Federal Aviation Regulations. In addition, the report indicates that a number of owners of large airplanes have evaded compliance with the applicable certification and operating rules of Part 121 governing air carriers and commercial operators, through the use of leases and conditional sales contracts which made it appear that the lessees and conditional buyers were responsible for operational control, when in fact they did not have that responsibility. The report states that this knowing or unknowing assumption of responsibility creates a serious problem in air safety. Continuous surveillance programs, advisory circulars, and educational flyers being effectuated by the FAA will do much to alleviate the problem. However, to assure that lessees and conditional buyers are made more fully aware of the responsibilities they are undertaking in obtaining such aircraft, it is proposed, as recommended in the report of the Assistant Secretary of Transportation for Safety and Consumer Affairs, to require a "truth in leasing" clause to be incorporated in certain leases and contracts of conditional sale involving them.

Specifically, the proposal would amend Part 91 to require that there be included in a lease or contract of conditional sale involving any large or turbine powered multiengine civil aircraft of U.S. registry, a written "truth in leasing" clause, as a concluding paragraph in large type, immediately preceding the space for the signature of the parties. The clause would have to include: (1) Identification

of the Federal Aviation Regulations under which the aircraft has been maintained and inspected during the 12 months preceding the execution of the lease or contract of sale, and certification by the lessor or seller regarding the aircraft's status of compliance with the applicable maintenance and inspection requirements prescribed in the Federal Aviation Regulations for the operation to be conducted under the lease or contract; (2) identification of the person the parties consider responsible for operational control of the aircraft under the lease or contract and certification by that person that he understands his responsibilities for compliance with applicable Federal Aviation Regulations; and (3) a statement that an explanation of factors bearing on responsibility for operational control, and pertinent Federal Aviation Regulations can be obtained from the nearest FAA Flight Standards District Office.

The FAA believes the inclusion of this information in the lease or contract will serve to make lessees and conditional buyers more fully aware of the aircraft's status of compliance with applicable airworthiness requirements, as well as their safety responsibilities as aircraft operators under the Federal Aviation Regulations.

This proposed "truth in leasing" requirement would also apply to leases involving Part 121 certificate holders which are currently required by that part to be filed with the FAA, unless they come within the exemption provided for in this proposal. As proposed, the exemption would make the "truth in leasing" requirement inapplicable when the lessee or conditional buyer is an air carrier, foreign air carrier, commercial operator, or air travel club certificated under Parts 121, 123, 127, 129, or 135 of the Federal Aviation Regulations. Such an exemption is considered appropriate, since the agency is confident that those certificate holders are fully cognizant of their safety responsibilities as aircraft operators under the applicable Federal Aviation Regulations.

Paragraph (c) of proposed § 91.54 would require the lessee or conditional buyer to mail a copy of the lease or conditional sale contract, within 24 hours of its execution, to the FAA Aircraft Registry, Oklahoma City, Okla. Such a central filing requirement will facilitate the prompt communication within the FAA of information concerning the operations to be conducted and those persons having operational responsibility for them, and thereby enable the FAA to more promptly carry out its surveillance responsibilities in the interest of safety. This filing requirement would also be satisfied if the lease or contract is subject to § 121.6 of Part 121 of the Federal Aviation Regulations and the Part 121 certificate holder (as lessor or seller) provides the FAA with a copy as required by that section.

In addition, paragraph (c) of the proposed amendment would require a copy

of the lease or contract of conditional sale to be carried in the aircraft and be made available to the Administrator for review upon request. However, a lease or contract furnished to the FAA under paragraph (c) of this proposed amendment is considered to be information which is not customarily released to the public by the parties thereto. Accordingly, under the authority of 5 U.S.C. 552(b)(4), as implemented by 49 CFR 7.59, the FAA would honor the confidentiality of such a lease or contract and not make it available for public inspection or copying, unless the lease or contract had been recorded with the FAA under Part 49 of this chapter.

In connection with this proposal, the FAA is interested in ascertaining whether the issuance of an advisory circular containing suggestions regarding the drafting of a "truth in leasing" clause would prove useful to interested persons. Accordingly, comments regarding the desirability of issuing such information will be appreciated.

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by adding a new section to read as follows:

§ 91.54 Truth in leasing clause requirement in leases and conditional sales contracts.

(a) Except as provided in paragraph (b) of this section, the parties to a lease or contract of conditional sale involving a U.S. registered civil aircraft that is large, multiengine turbopropeller powered, or multiengine turbojet powered shall include in the lease or contract a written truth in leasing clause, as a concluding paragraph in large type, immediately preceding the space for the signature of the parties, which contains the following with respect to each such aircraft:

(1) Identification of the Federal Aviation Regulations under which the aircraft has been maintained and inspected during the 12 months preceding the execution of the lease or contract of sale, and certification by the lessor or seller regarding the aircraft's status of compliance with applicable maintenance and inspection requirements in this Part 91 of the Federal Aviation Regulations for the operation to be conducted under the lease or contract of conditional sale.

(2) Identification of the person the parties consider responsible for operational control of the aircraft under the lease or contract of conditional sale and certification by that person that he understands his responsibilities for compliance with applicable Federal Aviation Regulations.

(3) A statement that an explanation of factors bearing on operational control and pertinent Federal Aviation Regulations can be obtained from the nearest FAA Flight Standards District Office.

(b) The requirements of paragraph (a) of this section do not apply when the lessee or buyer of the aircraft is the

holder of a certificate issued under Parts 121, 123, 127, 129, or 135 of this chapter.

(c) No person may operate a civil aircraft of U.S. registry that is subject to a lease or contract of conditional sale to which paragraph (a) of this section applies, unless—

(1) The lessee or conditional buyer has mailed a copy of the lease or contract, within 24 hours of its execution, to the FAA Aircraft Registry, Oklahoma City, Okla. 73125; or a certificate holder under Part 121 of this chapter has provided the Administrator with a copy of the lease or contract under § 121.6 of this chapter; and

(2) A copy of the lease or contract is carried in the aircraft. The copy of the lease or contract shall be made available for review upon request by the Administrator.

(d) The copy of the lease or contract furnished to the FAA under paragraph (c) of this section is not made available by the FAA for public inspection or copying under 5 U.S.C. 552(b)(4), as implemented by 49 CFR 7.59, unless recorded with the FAA under Part 49 of this chapter.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 22, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc. 71-15720 Filed 10-28-71; 8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 18, 21, 73, 74, 89,
91, 93]

[Docket No. 18282; FCC 71-1080]

LAND MOBILE SERVICE

Order for Further Procedure

In the matter of an inquiry relative to the future use of the frequency band 806-930 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz.

1. Motorola, Inc., supported by the National Association of Radiotelephone Systems (NARS) and the Association of Maximum Service Telecasters (MST), has filed a petition requesting the Commission to establish firm dates for the submission of studies requested in the "First Report and Order and Second Notice of Inquiry" (35 F.R. 8644) in this proceeding relating to market potentials, system configurations, equipment design,

and other factors looking toward the development of efficient high capacity common carrier and private land mobile radio services in the 900 MHz portion of the spectrum.

2. Petitioner points out that nearly a year has passed since the end of the initial 180 days during which interested parties were to inform the Commission of their intent to make such studies, and that no official filing date has been set. Motorola states that "a good deal of development work on equipment and systems design has gone forward," and that "recent provision (PCC Memorandum Opinion and Order (35 F.R. 15154)) for access of the common carrier band by RCC's has presented a new dimension in systems design or equipment, or both."

3. The Commission recognizes the need for establishing specific filing dates as requested by the petitioner. We understand that the studies called for in the second notice have progressed considerably and have produced significant new data and information which should become part of the public record. Although the petitioner does not suggest a specific filing date, we believe an additional 60 days would be sufficient time for the completion and filing of the final reports. Also, as suggested by NARS and MST, 6 months would allow interested parties a reasonable opportunity to evaluate and comment on such reports.

4. Accordingly, it is ordered, Pursuant to authority contained in sections 4 (i) and (j) of the Communications Act of 1934, as amended, that interested parties may file on or before December 20, 1971, written reports of studies conducted in accordance with paragraphs 37 and 38 of the First Report and Order and Second Notice of Inquiry in this proceeding. Comments on those reports may be filed on or before June 20, 1972. An original and 14 copies of all reports, comments, and statements shall be furnished the Commission.

Adopted: October 20, 1971.

Released: October 21, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-15749 Filed 10-28-71; 8:54 am]

[47 CFR Part 73]

[Docket No. 18873; RM-1453; FCC 71-1064]

FM TABLE OF ASSIGNMENTS IN NEW CASTLE, PA.

Report and Order Terminating Proceeding

In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations (New Castle, Pa.).

¹ Commissioners H. Rex Lee and Wells absent; Commissioner Reid not participating.

1. By notice of proposed rule making, FCC 70-591, released June 5, 1970, the Commission invited comments on a proposal submitted by Lawrence County Broadcasting Corp., licensee of standard broadcast Station WBZY, New Castle, Pa. (Lawrence), to amend the FM Table of Assignments to assign Channel 240A to New Castle. As the notice pointed out, New Castle did not appear to have a fair share of local outlets, especially since it was the largest city in the State of Pennsylvania (1970 population—38,559) located outside of an urbanized area that lacked an FM assignment. None of the other communities where Channel 240A could be used consistent with the separation requirements was without an FM assignment or appeared to have a need as great as New Castle's. That city does have two AM stations, one of them a full-time regional operation.

2. Even before adoption of the notice, Scott Broadcasting Co. of Pennsylvania (Scott), licensee of Station WKST (full-time AM), New Castle, and nearby WFEM (FM), Ellwood City, filed an opposition to Lawrence's petition, contending that the proposal would result in a technically substandard assignment which would not provide the required signal over the community and would be subject to considerable shadowing. Thus, in adopting the notice, the Commission stated:

Our ultimate decision on petitioner's present proposal will include consideration of any showing made by either the petitioner or other parties as to the availability of a site from which the city may be reasonably expected to receive adequate coverage.

3. The basic problem was that mileage separation requirements applicable to the assignment of Channel 240A at New Castle, Pa., would require selection of a transmitter site at least 9 miles north-northwest of the center of the city.¹ Scott had contended that its analysis of the terrain between New Castle and Lawrence's assumed transmitter site to the north, showed that the required signal strength of 70 dbu could not be provided over all of New Castle, and that 82 percent of the city would be shadowed from direct reception of the proposed operation. In response, Lawrence contended that the site set forth in its petition was in a general area affording compliance with the rules and argued that any problem could be avoided by use of a higher tower or by use of a site farther west of New Castle which would minimize shadowing problems over New Castle. Subsequently, Scott submitted a study which contended that even with the antenna height increased from 150 feet to 500 feet, at petitioner's assumed

¹ Such a site would result in a short-spaced assignment with respect to Canadian Station CFPL-FM at London, Ontario. However the Canadian Government has indicated that it had no objection to such an assignment.

site, new problems concerning the minimum signal coverage over New Castle would be created because of the required reduction in the radiated power of the station. Scott also studied four other possible sites in the area referred to by Lawrence and it found that each would involve the same problems of optical shadowing and inadequate signal level over New Castle. Lawrence, however, asserted that even if these assertions were correct, they were not sufficient to warrant denial of a much needed new service. In its view optical line-of-sight is highly desirable, but should not be an absolute prerequisite to the authorization of an FM station, citing "FM Channel Assignment, Docket No. 18125, Glasgow, Ky.," 17 FCC 2d 952 (1969), FCC 69-571.

4. Lawrence submitted comments in response to the notice of proposed rule making in which it again emphasized its view that the importance of assigning a first FM channel to New Castle should overcome any concern about inadequate signal strength or possible shadowing of the city. These views were not shared by Scott or by Hearst Corp., licensee of Station WTAE-FM, operating on Channel 241 at Pittsburgh, Pa. (Hearst). Scott reiterated its opposition to the assignment of Channel 240A at New Castle, Pa., and insisted that in the absence of a clear and persuasive showing of an available site from which proper service under the Commission's rules could be rendered to New Castle, the assignment of Channel 240A as proposed by Lawrence is without merit and should be denied.

5. Although Hearst shares Scott's concern about the adequacy of the proposed service to New Castle, its comments are not limited to this issue. It also contends that its Pittsburgh coverage has not been satisfactory and that it is filing an application for a move of its transmitter location closer to downtown Pittsburgh.² According to Hearst's calculations such a change of site would reduce the distance to the proposed Channel 240A site area at New Castle to 53.7 miles, far less than the required separation of 65 miles.³ Hearst thus urges that, since the proposed WTAE-FM site is necessary for a competitive signal and to improve service to the large listening public in Pittsburgh, the Lawrence proposal to assign Channel 240A at New Castle should be denied because of substandard spacing and particularly since the proposal is deficient in many other significant and

² An application was filed on July 13, 1970 (BPH-7185).

³ The distance between Pittsburgh and New Castle is less than 50 miles, and thus, at best, the proposed new assignment at the latter would be somewhat anomalous, warranting consideration at all only because of the present WTAE-FM location well to the east of Pittsburgh.

critical respects. In the latter regard, Hearst contends that diffraction of the signal by obstructions in the paths would reduce the signal level so that, in the center of the city, the field strength would be substantially less than the required level of 70 dbu, probably less than 60 dbu. It thus asserts that there is a grave doubt that the provisions of § 73.315(c), which requires the transmitter site to be selected so that 60 dbu contour encompasses the urban population within the area to be served, would be satisfied in New Castle itself.

6. In reply to Hearst's comments, Lawrence insists that a station does not have an automatic right to change its transmitter location, and that all requirements for assignments and modification must be construed in the light of all pertinent factors in the public interest, including the needs elsewhere, citing "FM Channel Assignment, Glasgow, Ky., supra; McKenzie, Tenn.," Docket No. 15716, RM-637, FCC 65-325. Moreover, it asserts that WTAE-FM may well suffer more severe degradation of its signal through shadowing from the new location, and that 151,484 persons in an area of 852 square miles would lose their ability to receive WTAE-FM. As to Lawrence's comments, Hearst replies that, notwithstanding the Commission's expressed declaration that the showing as previously made by Lawrence was inadequate and that it would be given an opportunity to show the availability of a site from which the city could reasonably expect to receive adequate coverage, Lawrence instead has chosen to rest on the insufficient showing it previously made and has limited itself without engineering support to generalized expressions minimizing the seriousness of the deficiencies in principal city coverage that would exist in the New Castle assignment from the site previously proposed. Hearst argues that reception in New Castle could be expected to be substantially below that required by the Commission for a principal community and surrounding urban areas and that this deficiency is evident from the fact that some 67 to 80 percent of the principal city area would be in shadow and the predicted 70 dbu contour would not extend as far as Lawrence contends.

CONCLUSIONS

7. In adopting our notice in this proceeding, we made two observations: That there appeared to be an important unmet need for an FM assignment at New Castle, Pa., and that information was required to demonstrate that the subject proposal would satisfactorily provide it. While we continue to believe that New Castle merits an FM assignment, spacing limitations which would require use of a site at least 9 miles from New Castle appear to preclude effective use of Channel 240A there. Lawrence

views the deficiencies as relatively minor and seeks waiver of any applicable rules. The regrettable fact is that the proposal falls far short of any reasonable standard. It is no service to New Castle to sanction an inadequate operation. In certain instances the public interest can best be served by tolerating some deviation from strict adherence to the requirements of our rules. Thus, we are not faulting the proposal because it would fail to have line-of-sight over all of New Castle, or even that it would not provide a 70 dbu signal to all of the city. Rather, it appears that the proposed operation would fail in large measure to meet either requirement. Although the notice specifically mentioned the need to satisfy our concern about this matter, Lawrence has provided nothing upon which we can rely in satisfying this concern. Likewise Lawrence has failed to address the points made by Scott in regard to the unacceptability of other likely sites in the area. Thus Lawrence has not only failed to provide the data called for by the notice but it has also left un rebutted the information provided by others which call the assignment, not merely use of a particular site, into question. All of the information available indicates that the proposed assignment would be subject to severe shortcomings. Most importantly, these shortcomings are in the very area of service to New Castle and would thus tend to vitiate the very purpose of the assignment—service to New Castle. Nothing has been provided to show that the public interest would be served by tolerating a minor short-spacing, and in fact the applicable limitations are such that a minor short-spacing would appear fruitless. Only a serious deviation from our standards would alter the situation, and nothing has been submitted upon which to base such a departure from standards designed to maximize fairness and efficiency. There is not even here present, as there has been in some other cases, the matter of providing a first fulltime local aural service. In sum, there is no alternative consistent with the public interest except to deny the requested assignment.

8. *It is ordered*, That the proposal in this proceeding to assign Channel 240A to New Castle, Pa., is denied without prejudice to the filing of a future request to assign a channel to New Castle consistent with applicable Commission requirements.

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

Adopted: October 14, 1971.

Released: October 21, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-15750 Filed 10-28-71;8:54 am]

¹ Commissioner Reid not participating.

[47 CFR Part 73]

[Docket No. 19316, etc.]

FM TABLE OF ASSIGNMENTS IN CERTAIN CITIES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments*, FM broadcast stations (Wisconsin Dells, Wis., Ocean City, Md., Fulton, Ky., Cabo Rojo P.R., Lobelville, Tenn., Jacksonville, Fla., and Steamboat Springs, Colo.), Docket No. 19316, RM-1716, RM-1719, RM-1726, RM-1732, RM-1738, RM-1745, RM-1749.

1. This proceeding was begun by notice of proposed rule making (FCC 71-955) adopted September 8, 1971, released September 13, 1971, and published in the FEDERAL REGISTER September 18, 1971, 36 F.R. 18661. The dates presently designated for filing comments and reply comments are October 22, 1971, and November 2, 1971, respectively.

2. On October 20, 1971, Mel-Lin, Inc., filed a request to extend the time for filing comments to and including November 1, 1971. It states that its consulting engineers are presently studying the possibility of utilizing a class C channel in Jacksonville in lieu of the class A channel presently the subject of rule making. Mel-Lin, Inc. further states that the additional time is needed to complete this study.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the request of Mel-Lin, Inc. is granted to and including November 1, 1971, for the filing of comments and November 12, 1971, for the filing of reply comments in Docket No. 19316 (RM-1745 only).

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 21, 1971.

Released: October 22, 1971.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.71-15751 Filed 10-28-71;8:54 am]

[47 CFR Part 73]

[Docket No. 19315, etc.]

FM TABLE OF ASSIGNMENTS IN CERTAIN CITIES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), *Table of Assignments*, FM broadcast stations. (Hilton Head Island, S.C.; Onawa, Iowa; Emmett, Idaho; Clinton, Miss.; Wanchese, N.C.; Kewaunee, Wis.; Sullivan, Ill.), Docket No. 19315, RM-

1763, RM-1764, RM-1770, RM-1778, RM-1781, RM-1794, RM-1808.

1. This proceeding was begun by notice of proposed rule making (FCC 71-954) adopted September 8, 1971, released September 13, 1971, and published in the FEDERAL REGISTER September 18, 1971, 36 F.R. 18664. The dates presently designated for filing comments and reply comments are October 22, 1971 and November 2, 1971, respectively.

2. On October 15, 1971, J. Henry and Associates (J. Henry) filed a request to extend the time for filing comments for a period of 15 days. J. Henry states that its Consulting Engineer will not complete the preclusion studies for at least 2 more weeks because of other commitments and therefore the additional time is necessary.

3. It appears that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the request of J. Henry and Associates is granted to and including November 5, 1971 for the filing of comments and November 16, 1971 for the filing of reply comments in Docket 19315 (RM-1763 only).

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: October 18, 1971.

Released: October 20, 1971.

[SEAL] ROBERT J. RAWSON,
Acting Chief, Broadcast Bureau.

[FR Doc.71-15753 Filed 10-28-71;8:54 am]

[47 CFR Part 91]

[Docket No. 19312]

BASIC INDUSTRIAL COMMUNICA- TIONS EMERGENCY PLAN

Extension of Time

Order. In the matter of amendment to Part 91 of the Commission's rules to provide for a Basic Industrial Communications Emergency Plan (ICEP); Docket No. 19312.

At the request of the Committee Executive, National Defense Committee, National Association of Manufacturers, in his letter of October 8, 1971, and for good cause stated therein, the period for filing comments in the above-entitled proceeding, 36 F.R. 19040, September 25, 1971, is extended to December 3, 1971, and the time for filing reply comments is extended to December 14, 1971, pursuant to delegated authority contained in § 0.331(b) of the Commission's rules.

Adopted: October 19, 1971.

Released: October 21, 1971.

[SEAL] JAMES E. BARR,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.71-15752 Filed 10-28-71;8:54 am]

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1518]

SAFETY AND HEALTH STANDARDS
FOR CONSTRUCTIONRollover Protective Structures and
Overhead Protection; Access Roadways
and Grades

The Advisory Committee on Construction Safety and Health has recommended the promulgation of rules requiring rollover protective structures and overhead protection on designated types of construction equipment. It has also recommended a revision of 29 CFR 1518.602(a)(3), which pertains to access roadways and access grades. Upon consideration of the recommendations of the Advisory Committee, and pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593), section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96), and in 29 CFR Part 1911 (36 F.R. 17506), I hereby propose to amend Part 1518 of Title 29, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit data, views, and arguments concerning the proposed standards, both orally and in writing.

Written data, views, and arguments may be mailed to the Office of Safety and Health Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Safety and Health Standards, except as to matters the disclosure of which is prohibited by law.

Oral data, views, and arguments concerning the proposed standards will be received by Hearing Examiner Henry L. Segal at a hearing beginning at 10 a.m. on December 13, 1971, in Rooms 216 A, B, C, and D, Main Labor Building, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC. Persons desiring to appear at the hearing must file with the office of Safety and Health Standards a notice of intention to appear, no later than 30 days after the publication of this notice in the FEDERAL REGISTER. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to

be taken with regard to each specified proposal, and of the evidence to be adduced in support of the position.

The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

After consideration of all relevant written submissions and of the record of the hearing, such regulations will be issued as will be deemed warranted.

The proposals are as follows:

1. A new subpart, designated Subpart W, would be added, dealing with rollover protective structures and overhead protection on designated types of construction equipment, and would read as follows:

**Subpart W—Rollover Protective
Structures; Overhead Protection****§ 1518.1000 Rollover protective structures (ROPS) for material handling equipment.**

(a) *Coverage.* This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work.

(b) *Equipment manufactured on or after July 1, 1972.* Material handling machinery described in paragraph (a) of this section and manufactured on or after July 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in § 1518.1001 and following sections.

(c) *Equipment manufactured before July 1, 1972.* (1) All material handling equipment described in paragraph (a) of this section and manufactured or placed in service (owned or operated by the employer) prior to July 1, 1972, shall be fitted with rollover protective structures no later than the dates listed below:

(i) Machines manufactured on or after January 1, 1972, shall be fitted no later than January 1, 1973.

(ii) Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973.

(iii) Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974.

(iv) Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974.

(v) Machines manufactured before July 1, 1969, shall be fitted no later than July 1, 1975.

(2) Rollover protective structures and supporting attachments shall meet the minimum performance criteria detailed in § 1518.1001 and following sections or shall be designed, fabricated, and in-

stalled in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(1) The design objective shall be to protect the operator from being crushed during a rollover or upset.

(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(d) *Remounting.* ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(e) *Labeling.* Each ROPS shall have the following information permanently affixed to the structure:

(1) Manufacturer or fabricator's name and address;

(2) ROPS model number, if any;

(3) Machine make, model, or series number that the structure is designed to fit.

§ 1518.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and tractors.

(a) *General.* This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in paragraph (f) of this section for each type of machine described in this paragraph.

(b) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(1) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between zero and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(2) For motor graders: Operating between zero and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum.

(3) For crawler tractors and crawler-type loaders: Operating between zero and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°. This requirement does not apply to sideboom pipelaying tractors.

(c) *Facilities and apparatus.* (1) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to insure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflections and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure W-1 for all types of equipment to which this section applies; and in Figure W-2 for rubber-tired self-propelled scrapers; Figure W-3 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure W-4 for crawler tractors and crawler-type loaders.

(2) Table W-1 contains a listing of the required apparatus for all types of equipment described in paragraph (a) of this section.

TABLE W-1

Means to measure	Accuracy
Deflection of ROPS, inches.	$\pm 5\%$ of deflection measured.
Vehicle weight, pounds.	$\pm 5\%$ of the weight measured.
Force applied to frame, pounds.	$\pm 5\%$ of force measured.
Dimensions of critical zone, inches.	± 0.5 in.

(d) *Vehicle condition.* The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

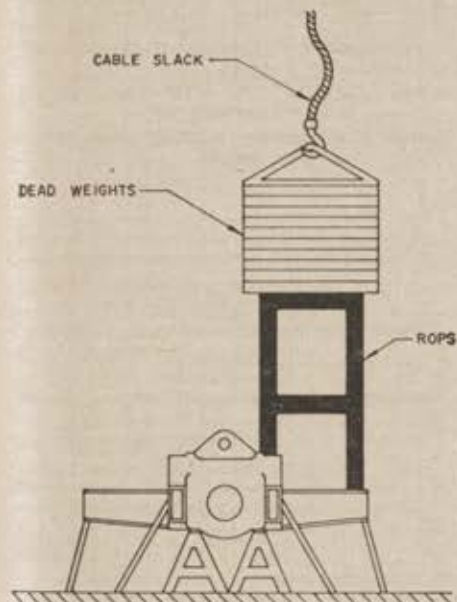


FIGURE W-1—Vertical loading setup for all types of equipment described in § 1518.1001(a).

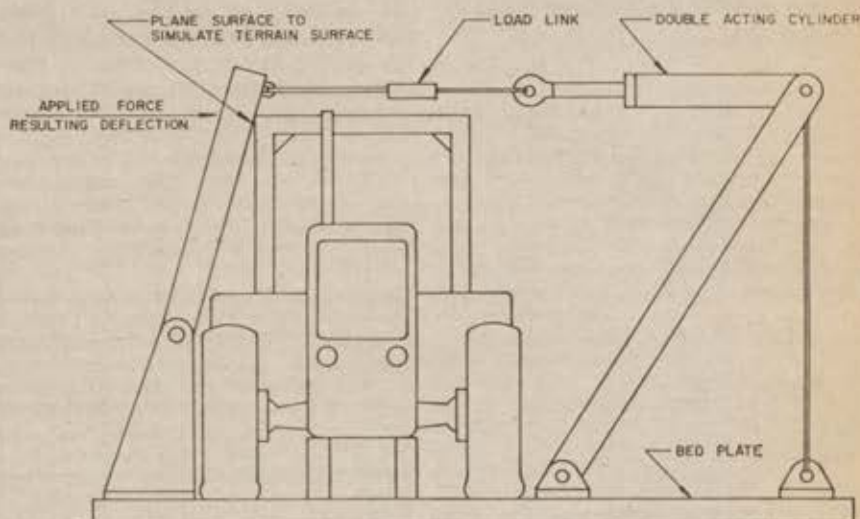


FIGURE W-3—Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

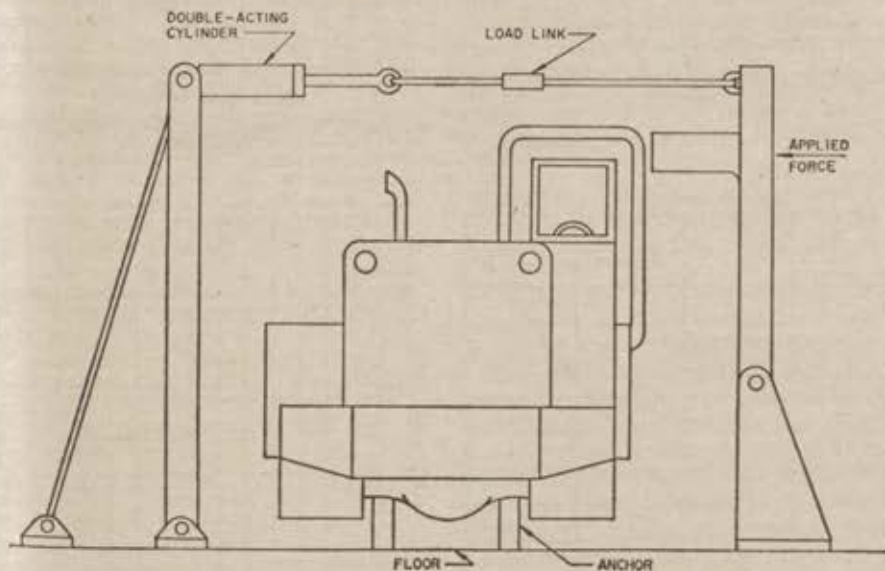


FIGURE W-2—Test setup for rubber-tired self-propelled scrapers.

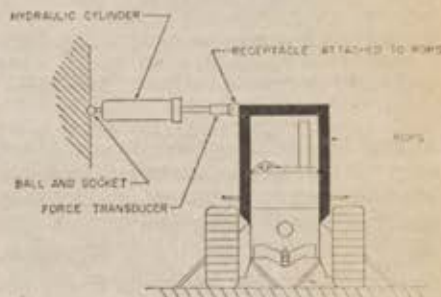


FIGURE W-4—Side-loading setup for crawler tractors and crawler loaders.

(e) *Test procedure.* The test procedure shall include the following, in the sequence indicated:

(1) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure W-1, W-2, or W-3, as applicable. The distributed load must be ap-

plied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be off-center, the load shall be applied on the off-center side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure W-5.

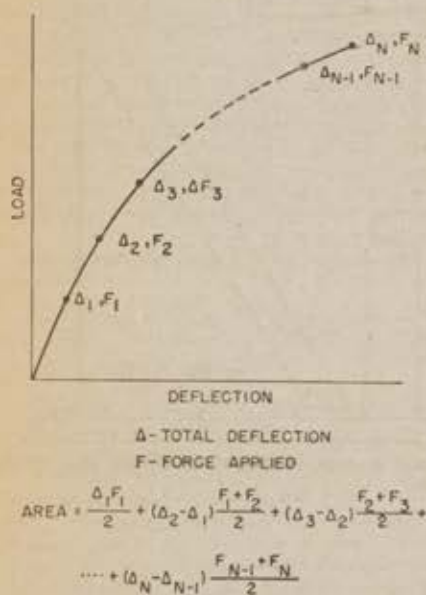


FIGURE W-5—Determination of energy area under force deflection curve for all types of ROPS equipment defined in § 1518.1001.

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under paragraph (f) of this section has been reached or surpassed.

(2) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure W-1). The load magnitude is specified in paragraph (f) (2) (iii) of this section.

(3) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see paragraph (f) (2) (iv) of this section).

(f) Performance requirements—(1)

General performance requirements. (i)

No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(2) Specific performance requirements. (i) The energy requirement for purposes of meeting the requirements of paragraph (e) (1) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure W-6 for rubber-tired self-propelled scrapers; Figure W-7 for rubber-tired front-end loaders and rubber-tired dozers; Figure W-8 for crawler tractors and crawler-type loaders; and Figure W-9 for motor graders. For purposes of this section, force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds.

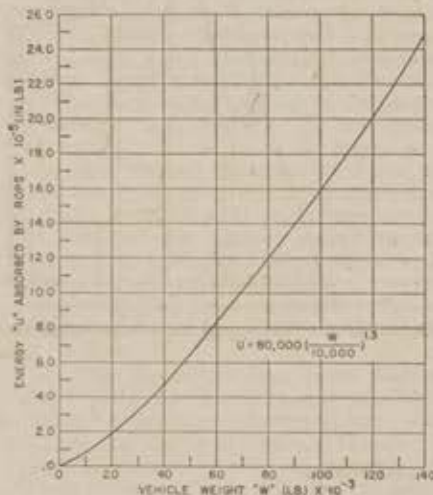


FIGURE W-6—Energy absorbed versus vehicle weight.

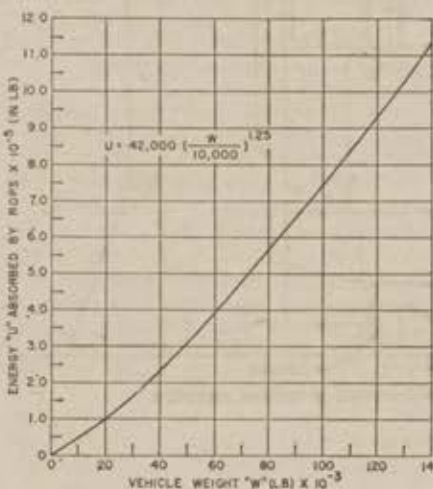


FIGURE W-7—Energy absorbed versus vehicle weight.

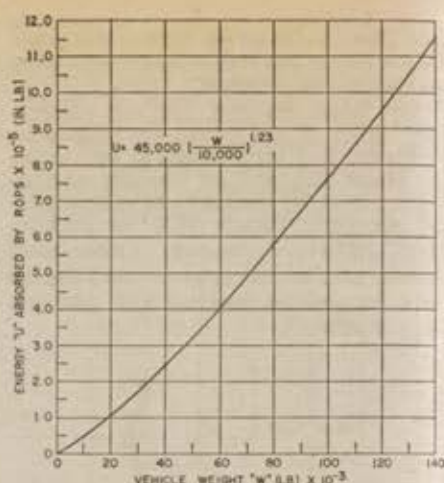


FIGURE W-8—Energy absorbed versus vehicle weight.

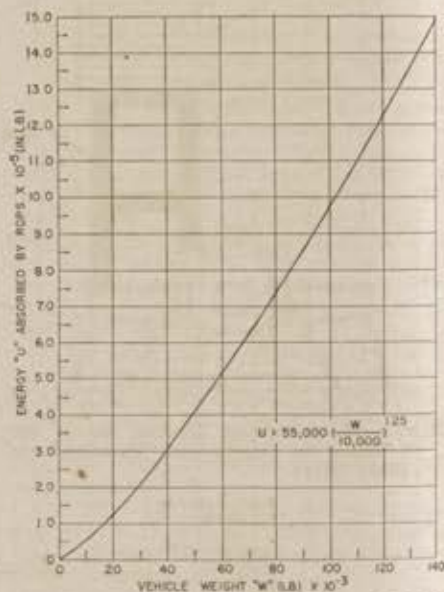


FIGURE W-9—Energy absorbed Versus Vehicle Weight.

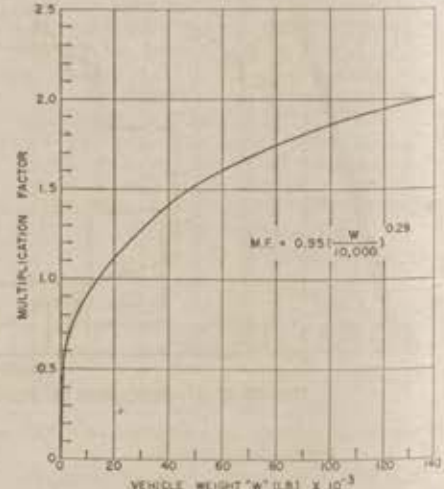


FIGURE W-10—Minimum horizontal load factor for self-propelled scrapers.

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure W-10 for rubber-tired self-propelled scrapers; in Figure W-11 for rubber-tired front-end loaders and rubber-tired dozers; in Figure W-12 for crawler tractors and crawler-type loaders; and in Figure W-13 for motor graders.

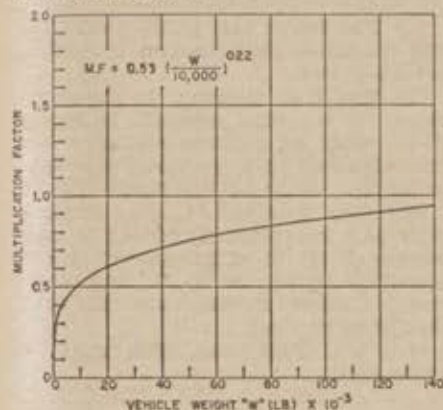


FIGURE W-11—Minimum horizontal load factor for rubber-tired loaders and dozers.

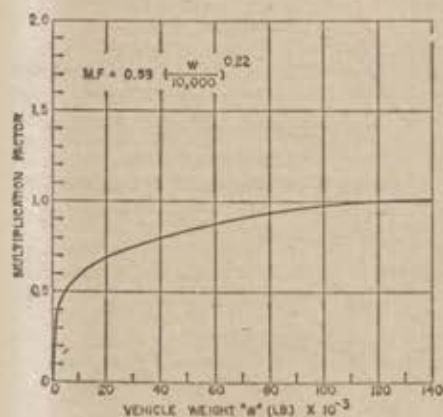


FIGURE W-12—Minimum horizontal load factor for crawler tractors and crawler-type loaders.

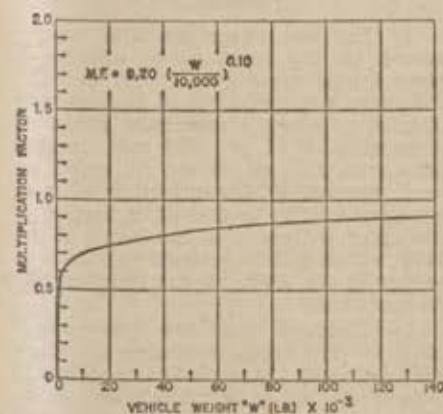


FIGURE W-13—Minimum horizontal load factor for motor graders.

(iii) The load magnitude for purposes of compliance with paragraph (e) (2) of this section is equal to the vehicle weight. The test of load magnitude

shall only be made after the requirements of subparagraph (2) (1) of this paragraph are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 feet per pound at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products (available at each Regional Office of the Occupational Safety and Health Administration). The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(g) *Definitions.* For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle.

(h) *Source of standard.* This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1518.1002 Protective frame (ROPS) test procedures and performance requirements for agricultural and industrial tractors.

(a) *General.* (1) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of § 1518.1001 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(2) The protective frame which is the subject of this standard is a structure comprised of four or more uprights mounted to the tractor that extend above and over the operator's seat and conform generally to Figure W-14.

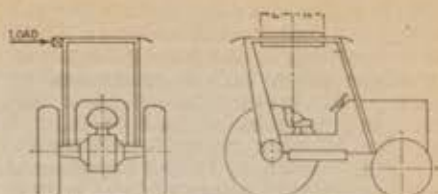


FIGURE W-14—Location for side load.

(3) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided*, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of paragraph (1) of this section.

(4) For overhead protection requirements, see § 1518.1003.

(5) If protective enclosures are used on agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements. This standard appears in the 1971 SAE Handbook and may be examined in each Regional Office of the Occupational Safety and Health Administration.

(b) *Applicability.* The requirements of this section apply to all agricultural tractors used in construction work and to all industrial tractors used in construction work. See paragraph (j) of this section for definitions of agricultural tractors and industrial tractors.

(c) *Types of test required.* (1) A laboratory test is required; it may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(2) A field upset is required, under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(d) *Test procedures—general.* (1) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(2) A new protective frame and mounting connections of the same design shall be used for each test.

(3) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(4) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(5) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(6) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications.

(e) *Test procedure for vehicle overturn—(1) Vehicle weight.* The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for

normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(2) Agricultural tractors shall be tested at the weight set forth in subparagraph (1) of this paragraph.

(3) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subparagraph (1) of this paragraph.

(4) The test shall be conducted on a dry, firm soil bank as illustrated in Figure W-15. The soil in the impact area shall have an average cone index in the 0-6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendation ASAE R313, Soil Cone Penetrometer (available in each Regional Office of the Occupational Safety and Health Administration). The path of travel of the vehicle shall be $12^{\circ} \pm 2^{\circ}$ to the top edge of the bank.

(5) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure W-15 to assist in tipping the vehicle.

(6) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

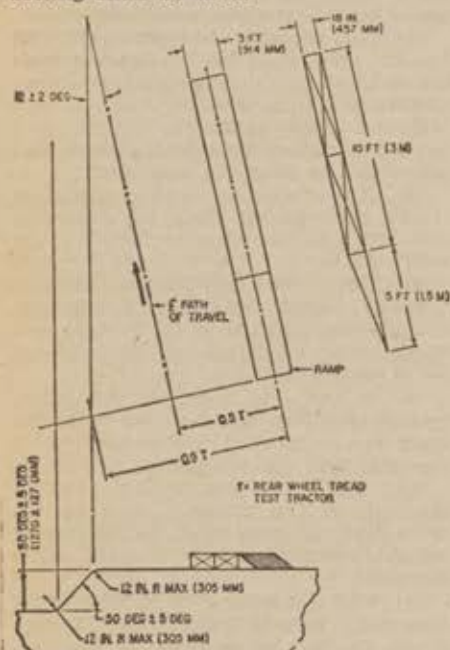


FIGURE W-15.

(7) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subparagraph (5) of this paragraph to induce sideways overturn.

(8) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(f) *Other test procedures.* Either the static test contained in paragraph (g), of this section, or the dynamic test contained in § 1518.1002(h), shall be made.

(g) *Static test—(1) Test conditions.* (i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figures W-16, W-17, and W-18.

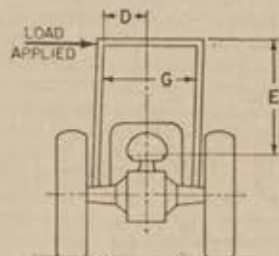


FIGURE W-16—Side load application.

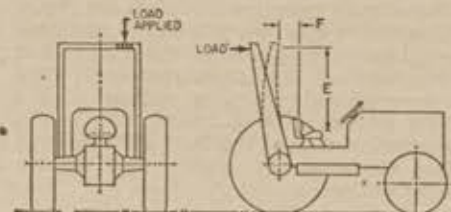


FIGURE W-17—Rear load application.

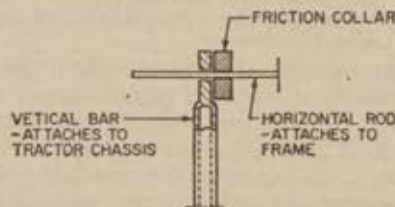


FIGURE W-18—Method of measuring instantaneous deflection.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see paragraph (j) (3) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(2) *Test procedure.* (1) The side load application shall be at the upper ex-

tremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure W-16. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(a) The strain energy absorbed by the frame is equal to the required input energy (E_{in}) or

(b) Deflection of the frame exceeds the allowable deflection, or

(c) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure W-19, shall be constructed, using the data obtained in accordance with subparagraph (2) (1) of this paragraph.

(iii) The modified L_m-D_m diagram shall be constructed according to subparagraph (2) (ii) of this paragraph and according to Figure W-20. The strain energy absorbed by the frame (E_s) shall then be determined.

(iv) E_{in} , FER, and FSB shall be calculated.

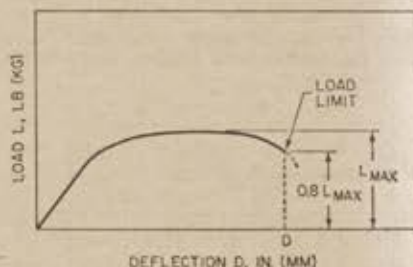
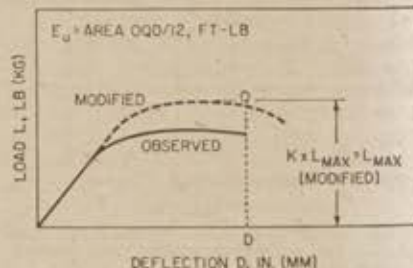


FIGURE W-19—Typical L-D diagram.

FIGURE W-20—Typical modified L_m-D_m diagram.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see Figure W-18) and E_{in} . Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(h) *Dynamic test—(1) Test conditions.* (1) The protective frame and tractor shall meet the requirements of paragraphs (e) (2) or (3) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in.

(686± or -25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure W-21.)

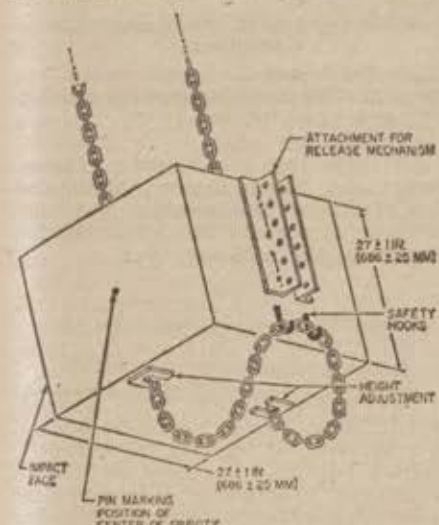


FIGURE W-21—Pendulum.

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure W-22.)

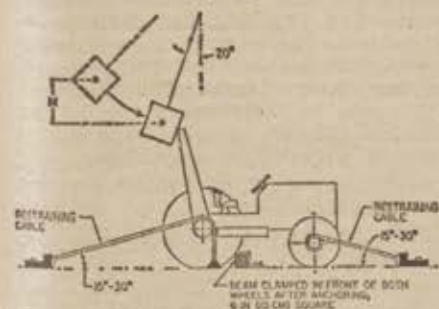


FIGURE W-22—Method of impact from rear.

(iv) The wheel tread setting shall comply with the requirements of paragraph (e) (6) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate

wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim, it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures W-22 and W-23.)

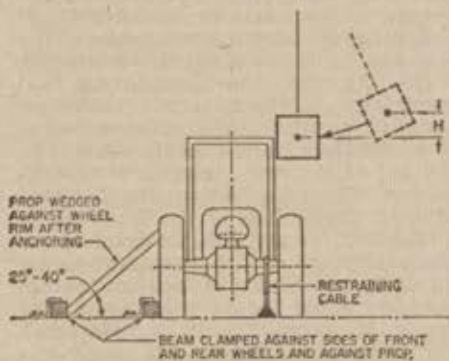


FIGURE W-23—Method of impact from side.

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure W-23.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(2) *Test procedure*—(i) *General*. The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in paragraph (j) (3) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) *Impact at rear*. The tractor shall be properly restrained according to subparagraphs (1) (iii) and (iv) of this paragraph. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure W-22. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) *Impact at side*. The block and restraining shall conform to subparagraphs (1) (iii) and (iv) of this paragraph. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(i) *Performance requirements*—(1) *General*. (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures W-16 and W-17 as follows:

D=2 in. (51 mm.) inside of frame upright to vertical centerline of seat.

E=30 in. (762 mm.).

F=Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure W-17.

G=24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit.

(2) *Vehicle overturn performance requirements*. The requirements of this paragraph (1) must be met in both side and rear overturns.

(3) *Static test performance requirements*. Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this paragraph (1). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(4) *Dynamic test performance requirements*. Design factors shall be incorporated in each design to withstand the overturn test prescribed in this paragraph (1). The structural requirements will be generally met if the dimensions in this paragraph (1) are adhered to in both side and rear loads.

(j) *Definitions applicable to this section*. (1) "Agricultural tractor" means a wheeled type vehicle designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage.

(2) "Industrial tractor" means that class of wheeled type tractor (other than rubber-tired loaders and dozers described in § 1518.1001) used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(3) The following symbols, terms, and explanations apply to this section:

E_{is} = Energy input to be absorbed during side loading. $E_{is} = 723 + 0.4 W$ ft.-lb. ($E'_{is} = 100 + 0.12 W'$, m.-kg.).

E_{ir} = Energy input to be absorbed during rear loading. $E_{ir} = 0.47 W$ ft.-lb. ($E'_{ir} = 0.14 W'$, m.-kg.).

W = Tractor weight as prescribed in § 1518.1002(e) (1), in lb. (W' , kg.).

L = Static load, lb. (kg.).

D = Deflection under L, in. (mm.).

L-D = Static load-deflection diagram.

$L_m - D_m$ = Modified static load-deflection diagram (Figure W-20). To account for increase in strength due to increase in strain rate, raise L in plastic range to $L \times K$.

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., *Structural Design for Dynamic Loads* (1959), p. 3.

L_{max} = Maximum observed static load.

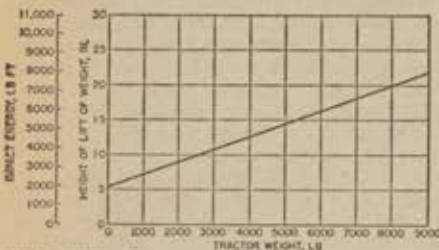
Load Limit=Point on L-D curve where observed static load is 0.8 L_{max} (refer to Figure W-19).

E_s =Strain energy absorbed by the frame, ft.-lb. (m.-kg.) area under L_{max} - D_{max} curve.
 FER =Factor of energy ratio, $FER=E_s/E_{s1}$; also= E_s/E_{s2} .

P_s =Maximum observed force in mounting connection under static load, L, lb. (kg.).
 FSB =Design margin for mounting connection $FSB=(P_s/P_b)-1$.

W =Tractor weight as defined in paragraph (e) (1) of this section.

H =Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H' , mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H=4.92+0.00190 W$ or ($H'=125+0.107 W'$) (Figure W-24).



NOTATION OF FORMULAE
 $H=4.92+0.00190 W$ OR ($H'=125+0.107 W'$)
 W =TRACTOR WEIGHT AS DEFINED IN PARAGRAPH (e) (1) OF THIS SECTION
 W' =TRACTOR WEIGHT IN KG.

FIGURE W-24—Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

(k) *Source of standard.* The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1518.1003 Overhead protection for operators of agricultural and industrial tractors.

(a) *General.* (1) *Purpose.* The standard in this section establishes requirements for an overhead cover on agricultural and industrial tractors. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(2) *Applicability.* This standard applies to all agricultural tractors used in construction work and to all industrial tractors used in construction work. See § 1518.1002 (b) and (j).

(b) *Overhead cover.* Every agricultural tractor and every industrial tractor used in construction work shall have an overhead cover which meets the requirements of this section. The overhead cover may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh is 1.5

in. (38 mm.) in diameter. The overhead cover shall not be installed in such a way as to become a hazard in the case of upset.

(c) *Test procedures—general.* (1) The requirements of §§ 1518.1002 (d), (e), and (f) shall be met.

(2) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(3) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The direction of load application is the same as in § 1518.1002 (g) and (h). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure W-14.

(d) *Drop test procedures.* (1) The same frame shall be subjected to the drop test following either the static or dynamic test.

(2) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(3) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure W-25 which is furthest removed from major structural members.

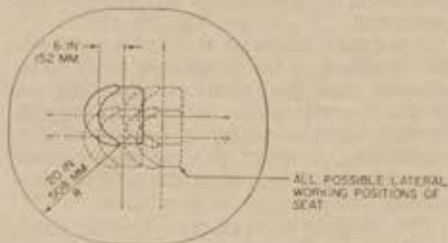


FIGURE W-25—Zone of protection for drop test.

(e) *Crush test procedure.* (1) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(2) The test load shall be applied as shown in Figure W-26 with the seat positioned as specified in § 1518.1002(d) (4). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in § 1518.1002(e) (1). The maximum width of the beam illustrated in Figure W-26 shall be 6 in. (152 mm.).

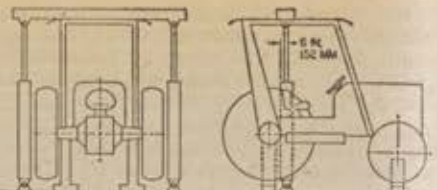


FIGURE W-26—Method of load application for crush test.

(f) *Performance requirements—(1) General.* The performance requirements set forth in § 1518.1002(i) (2), (3), and (4) shall be met.

(2) *Drop test performance requirements.* (i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures W-14, W-25, and W-27.

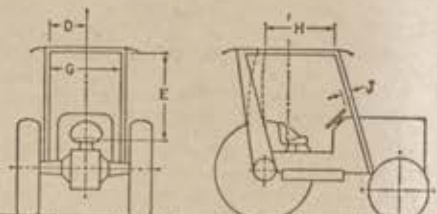


FIGURE W-27—Protected zone during crush and drop tests.

(ii) In addition to the dimensions set forth in § 1518.1002(i) (1) (i), the following dimensions apply to Figure W-27:

$H=17.5$ in. (444 mm.)

$J=2$ in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(3) *Crush test performance requirements.* The protected zone as described in Figure W-27 must not be violated.

(g) *Source of standard.* This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

2. Paragraph (a) of § 1518.602 would be amended as follows:

§ 1518.602 Material handling equipment.

(a) * * *

(3) *Access roadways and grades.* (i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is designed, constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

(6) Rollover protective structures (ROPS). See Subpart W of this part for requirements for rollover protective structures and overhead protection.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 357; sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655, 40 U.S.C. 333)

Signed at Washington, D.C., this 21st day of October 1971.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.71-15521 Filed 10-28-71; 8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Investment Company Activities

By notice published in the FEDERAL REGISTER on August 25, 1971 (36 F.R. 16695), the Board of Governors proposed to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 222.4(a) of Regulation Y) the following: "Serving as investment adviser to an investment company registered under the Investment Company Act of 1940."

The Investment Company Institute has submitted a memorandum of law in which it expresses, among others, the following views: (1) The proposed amendment would permit bank holding companies to acquire companies engaged in the issuance, sale, and distribution of securities within the meaning of the Glass-Steagall Act (48 Stat. 162); (2) the proposed amendment involves a violation of the Glass-Steagall Act even when applied to an investment adviser subsidiary whose sole function is to provide investment advice; (3) the proposed amendment would require a finding violative of the intent of Congress in enacting the Bank Holding Company Act Amendments of 1970.

The ICI has asked for a hearing on this matter and, pursuant to such request, the Board has directed that such a hearing be held in Room 1202 of its building at 20th Street and Constitution Avenue NW., Washington, DC, on November 12, 1971, beginning at 10 a.m., Thomas J. O'Connell, General Counsel to the Board, and Frederic Solomon, Director of the Board's Division of Supervision and Regulation, have been designated by the Board to preside at such hearing.

Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal and by the ICI's memorandum of law. That memorandum, along with all other comments submitted on the pending proposal, are available for inspection and copying in Room 1020 of the Board's building. Interested persons need not participate in the hearing through oral presentation in order to have their views

considered. All views previously expressed in written comments on the pending proposal are under consideration by the Board.

Persons interested in participating in the hearing by presenting material orally should inform the Secretary of the Board in writing not later than November 1, 1971. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

Anyone wishing to submit written comments on issues raised at the hearing may do so at any time before the close of business November 26, 1971.

By order of the Board of Governors, October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15795 Filed 10-28-71; 8:54 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Effect of Acquisition of Additional Bank on Benefits Conferred on Certain One-Bank Holding Companies

Section 4 of the Holding Company Act generally requires holding companies to discontinue nonpermissible nonbanking activities within 2 years of their formation, but Congress confirmed certain benefits with respect to nonbanking activities on those companies which controlled a single bank on December 31, 1970, and thus became subject to the Bank Holding Company Act by operation of law. In some cases, the companies are given 10 years rather than 2 within which to divest, in others no divestiture is required, and in a few cases there may be an exemption from the section 4 prohibitions in their entirety, prospectively as well as retroactively.

To clarify the nature of these benefits as privileges contingent upon their possessors' continuing status as one-bank holding companies rather than as vested rights, the Board is considering amending Regulation Y, under authority of section 3, section 4, and section 5(b) of the Act, to provide that the acquisition or merger by a one-bank holding company of an additional bank would cause that company to lose whatever special exemptions from section 4 that it had. In general, a company that controlled one bank on December 31, 1970, would have 2 years from its acquisition of a second bank in which to cease nonbanking activities or qualify them under another provision of section 4, unless its right to continue the activity would otherwise expire within a shorter period. The Board would reserve the right to preserve, by order, 1970 section 4 grandfather rights of a company which acquires an additional bank to save it from failing, or in any other situation in which the application of the general rule would be manifestly unfair or contrary to the public interest.

The Board proposes to amend § 222.3 of Regulation Y by adding a new subsection as follows:

§ 222.3 Acquisition of bank shares or assets.

(c) Effect of bank acquisition on certain grandfather rights. (1) For the purposes of this paragraph:

(i) The term "company grandfathered in 1970" means any company which became a bank holding company on December 31, 1970, as a result of the Bank Holding Company Act Amendments of 1970, and includes any company defined in section 2(b) of the Act as a "company covered in 1970."

(ii) The term "1970 section 4 grandfather rights" means all rights and privileges, whether arising under section 4(a)(2) or 4(c)(ii) of the Act or otherwise, held by a company grandfathered in 1970 to hold or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would be permitted under section 4 of the Act in the case of any bank holding company which is not a company grandfathered in 1970.

(2) Except to the extent otherwise provided by order of the Board in specific cases, any company grandfathered in 1970 which acquires any bank (by merger with its subsidiary bank or otherwise) or acquires control of any bank (as control is defined in section 2(a)(2) of the Act) after December 31, 1970, shall be deemed to have prospectively relinquished its 1970 section 4 grandfather rights on the date of such acquisition, and any such right shall terminate on the earlier of the following dates:

(i) The date upon which it would terminate if the company had become a bank holding company for the first time on the date of the acquisition;

(ii) The date upon which it would terminate without reference to this section.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 1, 1971. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15794 Filed 10-28-71; 8:54 am]

[12 CFR Part 222]

[Reg. Y]

BANK HOLDING COMPANIES

Public Interest Considerations in Acquisition of Certain Mortgage Companies

The Board has under consideration several applications by bank holding companies to acquire companies en-

gaged in the business of extending credit secured by real estate and buying, selling, and servicing mortgages (mortgage companies).¹

The Board has previously determined that this activity is closely related to the business of banking (36 F.R. 10777). Under the Board's Regulation Y, bank holding companies may engage in this activity de novo without filing an application with the Board. Bank holding companies may engage in this activity through the acquisition of a going concern only upon filing an application and following a determination by the Board that consummation of the proposed acquisition will be in the public interest, giving consideration to the relevant factors specified in section 4(c)(8) of the Bank Holding Company Act. The differentiation between de novo entry and acquisition of a going concern is justified because of the increase in competition by a new entrant into the market.

The applications pending before the Board suggest the need to explore the question whether the public interest requires the imposition of limitations on the size, geographic area, and type of activities of going-concern mortgage companies that may be acquired by bank holding companies. They also raise the question whether certain types of acquisitions of such companies should be permissible on the same basis as de novo entry.

The Board has decided to explore these questions at a hearing to be conducted by available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, DC, on November 8, 1971. Interested persons are invited to participate, but they need not participate by presenting material orally at the hearing to have their views considered. All views expressed in written comments on the matter that are received before Novem-

¹ Applications as to which notice has either been published or sent for publication in the FEDERAL REGISTER are: (1) BTNB Corp., Birmingham, Ala., to acquire Cobbs, Allen & Hall Mortgage Co., Birmingham (36 F.R. 14357); (2) First Union National Bancorp., Charlotte, N.C., to acquire Reid-McGee & Co., Jackson, Miss. (36 F.R. 14358); (3) First Chicago Corp. to acquire I. J. Markin & Co., Chicago (36 F.R. 14679); (4) Crocker National Corp., San Francisco, to acquire Ralph C. Sutro Co., Los Angeles (36 F.R. 17897); (5) Central National Chicago Corp., to acquire Union Realty Mortgage Co., Chicago (36 F.R. 18438); (6) U.S. Bancorp., Portland, Oreg., to acquire Securities Inter Mountain, Portland; and (7) Marine Bancorporation, Seattle, to retain Coast Mortgage Co., Seattle.

ber 23, 1971, will be given consideration. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Besides assisting the Board in its determination of pending applications, the Board expects that the hearing will enable it to adopt simplified procedures for acquisition of mortgage companies where the balance of the public interest factors the Board is required to consider will usually be favorable. It also expects that the hearing will enable it to indicate what types of proposed acquisitions will not be accepted and those that will be considered only if the applicant (a) agrees that certain activities will be discontinued promptly upon acquisition of the company involved or (b) demonstrates that the anticompetitive or other adverse effects of the proposed transaction are clearly outweighed in the public interest by greater convenience, gains in efficiency, or other benefits to the public.

Persons interested in participating in the hearing by presenting material orally should inform the Secretary of the Board in writing not later than November 1, 1971. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

The Board asks that persons who have applications under consideration by the Board submit responses, either orally at the hearing or in writing by November 23, to the following:

(1) What services are now provided by the mortgage company that applicant proposes to acquire? To what extent are these various services offered separately to customers and to what extent are they packaged? (For example, should construction financing and the permanent financing of new properties be considered separate services or are these two services generally offered to customers as a package?) Which, if any, of the services performed by the mortgage company are now offered by the holding company or its subsidiaries? To what extent would existing competition in the markets served be reduced or enhanced by the proposed acquisition?

(2) What are the expected advantages to the holding company from this acquisition? How do these advantages differ from those that could be achieved by organizing a new mortgage banking subsidiary?

(3) What public benefits can be expected from the proposed acquisition? In particular, explain how, if at all,

greater efficiencies, greater convenience, improved service or lower charges would result.

(4) Does the proposed mortgage company subsidiary engage in any activities that have not been designated by the Board as being closely related to banking? To what extent, if any, should activities such as insurance, construction, and real estate development be regarded as incidental activities necessary to carry on the business of the mortgage company? If activities have not been designated by the Board as being closely related to banking, what would be the effect of ceasing to engage in those activities?

Other interested persons are invited to submit responses to the foregoing questions as they apply to the particular applications under consideration or generally. Such persons, as well as persons who have applications under consideration, may also wish to express their views on the following:

(a) What are the geographic markets corresponding to the various services offered by mortgage banking companies? Are they national, regional, or local? Are small builders and developers limited to sources of mortgage financing within their local areas?

(b) In obtaining their financing, to what extent are small mortgage companies limited to local commercial banks?

(c) To what extent can an independent commercial bank continue its business relationships with a mortgage company that becomes affiliated with a competing commercial bank? To what extent can an independent mortgage company continue to look to a bank holding company for its source of credit after that holding company has acquired a competing mortgage company?

(d) Are there reasons to believe that acquisitions of mortgage companies by bank holding companies would foster a concentration of economic resources that would be detrimental to the public interest?

(e) What limitations, if any, should apply to a holding company's investment in mortgage companies to protect against unfair competition, conflicts of interests, or unsound banking practices, including the soundness of the holding company itself as well as its subsidiary banks?

By order of the Board of Governors, October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 71-15716 Filed 10-28-71; 8:47 am]

Notices

DEPARTMENT OF STATE

Agency for International Development
COOPERATIVE LEAGUE FUND, INC.

Addition to Register of Voluntary Foreign Aid Agencies

OCTOBER 20, 1971.

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Cooperative League Fund, Inc., 1012 14th Street NW., Washington, DC 20005.

Dated: October 20, 1971.

HARRIETT S. CROWLEY,
Director, Office for
Private Overseas Programs.

[FR Doc.71-15713 Filed 10-28-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education
PUBLIC INFORMATION

Proposed Policy for Provision of Special Statistical Compilations and Surveys

In view of the importance of the subject statement of policy to members of the public requesting information from the Office of Education, it has been determined that, although not required by law, it is appropriate to solicit the widest possible public participation in its formulation. To that end the following notice of proposed rule making follows the procedure of 5 U.S.C. 553.

This statement constitutes a guide to policies governing the creation of special statistical information, records, and related materials pursuant to section 417 of the General Education Provisions Act (20 U.S.C. 1231f).

Sec. 1 *Basic policy.* The basic policy of the Office of Education is to make its collected statistical information available, subject to section 5, as widely and promptly as possible unless:

(a) The data being requested are not edited, in which case the release of the data normally is deferred until editing is complete;

(b) The confidentiality of data would be violated;

(c) Estimated data are involved (see section 3 below); or

(d) Manpower or other resources available to the office are insufficient to comply with the request in the span of time specified.

Data will be accompanied, when appropriate, by information on technical quality (for example, sampling error) relevant to the anticipated use of the data.

Sec. 2 *Exempted data.* Nonconfidential data shall be prepared and made available subject to precautions to prevent inadvertent disclosure of confidential data by comparisons to published aggregates (18 U.S.C. 1905). The furnishing of data and other materials under this policy statement shall be subject to the applicable provisions of 45 CFR Part 5. Requests for aggregate data containing confidential information shall be honored provided the data cannot be related to any one person or entity. The Office of Education uses a formula, similar to that used by the Bureau of the Census, to ensure that confidential data cannot be inferred from any data cell.

Sec. 3 *Estimated data.* Estimated data shall be prepared by the Office of Education provided the revealing of imputed data for individual reporting units is not involved.

Sec. 4 *Cost of data.* The statistical computations, surveys and other data made available by the Office of Education pursuant to 20 U.S.C. 1231f shall be furnished subject to prepayment of the estimated or the previously established actual cost of the work.

Sec. 5 *Special provisions regarding the availability and publication of Office of Education data.* (a) In instances in which data are available in published form, but not in the format in which they are being requested, the data shall be made available in the special format requested, subject to the resources available to the Office of Education. Normally, a charge will be made for such services.

(b) Any data prepared in response to special requests enter the public domain and may be published, released to other requestors, or otherwise used by the Office of Education.

(c) Data will be released by the Office of Education prior to office publication subject only to the limitations noted above. Data released prior to office publication, however, will be marked "Preliminary, subject to revision." Explanatory notes including those required by adherence to technical standards, noted in writing to the requestor by the responsible project officer, may be designated as integral to the data to be reproduced with the data (20 U.S.C. 1231f).

The fee schedule for provision of special statistical compilations and surveys

will be issued separately. Any interested person may submit to the Commissioner of Education, 400 Maryland Avenue SW., Washington, DC 20202, within 30 days after the date of publication of this material in the FEDERAL REGISTER, comments, suggestions, or objections in writing, concerning all or part of the policy proposed herein. An original and two conformed copies should be filed. Comments received in response to this notice will be available for public inspection at the Office of Education Information Center, Room 1127, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday between 8 a.m. and 4:30 p.m.

Dated: September 2, 1971.

SIDNEY P. MARLAND, JR.,
Commissioner of Education.

Approved: October 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-15721 Filed 10-28-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER & LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Carolina Power & Light Co., 336 Fayetteville Street, Raleigh, NC 27602, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed an application on September 7, 1971, for authorization to construct and operate four pressurized water nuclear reactors designated as Shearon Harris Nuclear Power Plant, units 1, 2, 3, and 4, on the applicant's site in Wake and Chatham Counties, N.C.

The site is located on approximately 18,000 acres of land in the southwest corner of Wake County, and the southeast corner of Chatham County, N.C. The city of Raleigh, N.C., is approximately 20 miles northeast of the site, and Sanford, N.C., is about 10 miles southwest. The applicant will construct a dam on Buckhorn Creek about 1 mile north of its confluence with the Cape Fear River. This dam will create a 10,000 acre reservoir which will be used for cooling water requirements for the plant. The nuclear units will be located on a peninsula on the northwest shore of the reservoir about 3½ miles north of the main dam.

Each of the four units will be designed for an initial power output of 2,785 megawatts thermal, with an equivalent net

electrical output of approximately 900 megawatts electrical.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after October 22, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and a copy has been sent to Mr. H. William O'Shea, Director, Wake County Public Libraries, 104 Fayetteville Street, Raleigh, NC 27601.

Dated at Bethesda, Md., this 29th day of September 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,

Director,

Division of Reactor Licensing.

[FR Doc.71-14552 Filed 10-21-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23407]

"K" LINE NEW YORK, INC.

Foreign Air Carrier Permit as Air Freight Forwarder; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding regarding "K" Line Air Service, Ltd. doing business as "K" Line New York, Inc., is assigned to be held on November 30, 1971, at 10 a.m. local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

Dated at Washington, D.C., October 26, 1971.

[SEAL]

JOHN E. FAULK,
Hearing Examiner.

[FR Doc.71-15765 Filed 10-28-71;8:50 am]

CIVIL SERVICE COMMISSION

DEPUTY FOR RESEARCH, OFFICE OF ASSISTANT SECRETARY OF THE AIR FORCE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective September 15, 1971, that there is a manpower shortage for the single position of Deputy for Research, Office of the Assistant Secretary of the Air Force (R. & D.), Washington, D.C. The appointee may be paid for the expense of travel and transportation to his post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL]

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.71-15790 Filed 10-28-71;8:53 am]

PHYSICIAN'S ASSISTANT, VA HOSPITAL, MUSKOGEE, OKLA.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage for positions of Physician's Assistant, GS-603-7/11, Veterans Administration Hospital, Muskogee, Okla.

Assuming other legal requirements are met, appointees to these positions may be paid for the cost of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL]

JAMES C. SPRY,

Executive Assistant to
the Commissioners.

[FR Doc.71-15674 Filed 10-28-71;8:45 am]

DELAWARE RIVER BASIN

COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Monday, November 1, 1971. The hearing will take place in the south auditorium of the ASTM Building, 1916 Race Street, Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the comprehensive plan so as to include the following projects:

1. *Shepherd Hills Water Co., Inc.* Well water supply project to augment water supplies in the Shepherd Hill's development in lower Macungie Township, Lehigh County, Pa. One new well and one existing well designed to yield about 1.27 million gallons per day will be utilized to serve 500 new dwelling units.

2. *Schuylkill County Municipal Authority.* Well water supply project to augment public supplies in the Authority's service area in Branch Township, Schuylkill County, Pa. Designated as well No. 1, the new facility is expected to yield about 576,000 gallons per day.

3. *Upper Merion Township Authority.* A sewage collection project to serve Port Kennedy and Beidler Road area of upper Merion Township, Montgomery County, Pa. Collected sewage will be treated at the existing Trout Run treatment plant which provides 92 percent removal of BOD₅ prior to discharge into Trout Run.

4. *New Castle County Department of Public Works.* A project to construct a 48" diameter sewer interceptor designed to relieve a portion of the North Delaware interceptor system in New Castle County, Del. The project is designated Governor Printz lower—part C. Collected sewage will be conveyed to the Wilmington sewage treatment plant.

5. *New Castle County Department of Public Works.* A project to construct a

42" diameter sewer interceptor to relieve a portion of the existing White Clay Creek interceptor in New Castle County, Del. The project is designated White Clay Creek interceptor—section 5. Collected sewage will be conveyed to the Wilmington sewage treatment plant.

Documents relating to the above items may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

OCTOBER 15, 1971.

[FR Doc.71-15764 Filed 10-28-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19328; FCC 71-1048]

BELL BROADCASTING CO. (WCHB)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Bell Broadcasting Co. (WCHB), Inkster, Mich., Docket No. 19328, File No. BP-18175, has: 1440 kc., 500 w., 1 kw.-LS, DA-2, U; requests: 1440 kc., 5 kw., 1 kw.-LS, DA-2, U; for construction permit.

1. The Commission has before it (i) the above-captioned application to increase nighttime power; (ii) petition to deny filed by Booth American Co., licensee of station WJLB, Detroit, Mich.; and (iii) pleadings in opposition and reply thereto.

2. The petitioner bases its claim of standing as a party in interest on the allegation that the proposed operation would be located within its service area and compete with it for listeners and advertising revenue. The Commission finds that petitioner has standing as a party in interest within the meaning of section 309(d) (1) of the Communications Act of 1934, as amended, Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2003 (1940). In view of the several unresolved factual matters discussed below, it is necessary to designate the above-captioned application for evidentiary hearing.

3. Petitioner contends that the proposed operation would involve a loss in interference-free nighttime service to parts of communities now served by WCHB encompassing a 30.8 square-mile area in which a total of 21,211 people reside. This area receives a maximum of three standard broadcast services. Included in this area are sections of the communities of Wayne (population, 21,054), Nankin (population, 16,034), Romulus (population, 2,500), and Taylor (population, 70,020). The petitioner claims that 84 percent of the population gain (479,331) within the nighttime 8.8 mv/m interference-free contour would be in Detroit, a city adequately served by aural broadcast stations.

4. In light of the fact that the proposal would result in the loss of an aural broadcast service to certain areas and populations receiving relatively few such services, and would provide a new aural service to areas and populations which already receive many such services, an area and populations issue will be specified to permit a weighing of the gains against the losses. Television Corporation of Michigan v. Federal Communications Commission, 21 RR 2107, 111 US App DC 101, 294 F 2d 730 (1961).

5. Petitioner further asserts that the proposal violates §§ 73.21(b)(1)(ii)¹ and 73.182(a)(3)(ii)² of the Commission's rules. It contends that in accordance with § 73.21 of the rules the present WCHB 500-watt nighttime operation is a Class III-B station with a normally protected service contour of 4 mv/m but due to interference received provides service only to the 8.84 mv/m contour. It argues that under the proposed 5 kilowatt operation WCHB should be classified as a III-A station with a normally protected contour of 2.5 mv/m, but that it cannot meet the requirements of a Class III-A facility because interference received limits its service contour to 8.84 mv/m. It concludes that the population residing within the area between the 2.5 and 8.84 mv/m contours not served by the proposal is so extensive that it violates the Commission's rules and policies and constitutes an inefficient utilization of the channel. However, the petitioner fails to recognize that insofar as interference received is concerned, the application of WCHB, filed on April 22, 1968, falls under the specific provisions of § 73.24(b)(4) of the rules which imposes no limitation on the extent of interference received by a proposed change in nighttime facilities (other than a change in frequency) if the application were filed after July 13, 1964.³ Accordingly, the applicant is not in violation of §§ 73.21(b) and 73.182(a)(3) of the rules.

6. Petitioner also claims that WCHB has violated § 73.24(b)(3) in that the proposal does not provide a first primary nighttime service to at least 25 percent of the area or population within the proposed interference-free nighttime service area. Petitioner's argument, however, is misplaced since the application is only for a change in the nighttime facilities of an existing station. Thus, no coverage of

¹ Petitioner mistakenly cited § 73.22(b)(1)(ii) of the rules, whereas § 73.21(b)(1)(ii) is the pertinent section, which reads: "A Class III-B station is a Class III station which operates with power not less than 500 watts, nor more than 1 kw. night and 5 kw. daytime, and the service area of which is subject to interference in accordance with § 73.182."

² Section 73.182(a)(3) subdivides Class III stations into Class III-A stations and Class III-B stations, which "operate with powers not less than 0.5 kw., or more than 1 kw. nighttime and 5 kw. daytime, and are normally protected to the 4,000 uv/m groundwave contour nighttime and 500 uv/m groundwave contour daytime."

³ So long as adequate coverage is provided to the community of license.

underserved areas is required by the rules.⁴

7. In an attached engineering affidavit, the petitioner claims that the applicant violates the Commission's 307(b)-Suburban community policy.⁵ It states that WCHB's present facility penetrated the city of Detroit with a 5 mv/m signal and this penetration would increase under the proposed operation. In addition, the petitioner asserts that 84 percent of the people within WCHB's enlarged service area reside in Detroit. The 307(b)-Suburban policy is not applicable, however, to a nighttime power increase and, accordingly, designation of a 5 mv/m issue is not warranted. Policy Statement, supra, 2 FCC 2d 190 at 193, 6 RR 2d 1901 at 1906 (1965).

8. Petitioner asserts that a grant of the proposal would violate the Commission's policy of promoting an independent FM service. It argues that WCHB, with greater nighttime power, would intensify the competition with the two existing independent FM Negro-oriented stations that operate nighttime in Detroit and destroy their potential for increased service. Petitioner's allegations of potential economic injury are too conjectural to support a designation of the requested issue.

9. Petitioner has objected also to the applicant's ascertainment of community needs, and the applicant submitted subsequent amendments to comply with the Commission's programming requirements. The Primer, Report and Order, paragraph 12, states that a daytime AM station seeking full-time facilities need not conduct a programming survey. An applicant, such as WCHB, requesting authority merely to increase nighttime power, is not required to submit a survey where the proposed nighttime service area will be enveloped totally by the daytime service area. Primer on Ascertainment of Community Problems by Broadcast Applicants, see Report and Order, paragraphs 9 and 12, 27 FCC 2d 650 at 655; 21 RR 2d 1507 at 1512 (1971).

10. In an engineering affidavit, the petitioner questions whether the proposed directional antenna array can meet the Commission's minimum efficiency requirements. The antenna system for WCHB, day and night arrays combined, would consist of 21 radiators. The present daytime array will not be changed, and additional towers will be constructed to provide for a 15-element array in a parallelogram configuration for the proposed nighttime operation. The design of the array is such that most of the proposed 5 kilowatts of power would be confined to a narrow 30° lobe. The applicant has indicated that the required minimum efficiency of 175 mv/m/kw will be achieved if the operating loss for each tower does not exceed 0.68 ohms. In view of the complexity of the array, critical protection require-

⁴ Section 73.24(b) requires only that applications by existing stations (other than proposed frequency changes) cause no objectionable interference.

⁵ Policy Statement on Suburban 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965).

ments, and the fact that the unused daytime towers and nearby power lines may result in serious problems of adjustment and maintenance of the system, the applicant was requested to submit detailed engineering studies regarding the RMS, stability and adjustment of the proposed antenna system. However, the applicant has not submitted, other than general comments, detailed studies that would support the applicant's contention that the efficiency and stability of the array will be satisfactory, and that the presence of existing antenna tower and other structures would not preclude satisfactory adjustment and maintenance of the array. Accordingly, appropriate issues will be included.

11. Finally, petitioner contends that on the basis of available data, the proposed WCHB 2 mv/m contour would be separated from the 25 mv/m contour of station WPON, Pontiac, Mich. (1460kc) by less than one-half mile; that no field intensity measurement data are available for the most critical area involved; that Figure M-3 conductivities cannot be relied upon to depict the extent of contours over such short paths (the WCHB and WPON sites are separated by approximately 24.5 miles); and that it is incumbent upon the applicant to establish by measurement data that 2 and 25 mv/m overlap would not occur in accordance with section 73.37 of the rules. In reply, the applicant merely indicates that the petitioner's showing is inadequate to support a conclusion that prohibited overlap would occur.

12. Commission study of this matter indicates that a substantial question exists as to whether the proposed WCHB 2 mv/m contour would overlap the 25 mv/m contour of WPON. On the basis of the data before us, which does not include field intensity measurements in the most critical area of concern, we find that the contours are separated by less than one-half mile. Since figure M-3 conductivities do not depict accurately the conductivity over short paths, the applicant will be required to submit field intensity measurements made from the proposed site towards WPON to establish that the proposed 2 mv/m contour will not overlap the 25 mv/m contour of WPON. An issue will be included to determine whether the proposed increase in nighttime power would violate § 73.37 (a) of the rules.

13. Examination of the financial portion of the application reveals that the applicant will need \$72,932 to make the contemplated changes, consisting of: down payment on equipment, \$60,932, and miscellaneous costs, \$12,000. To meet these costs, the applicant has \$30,000 available cash and a \$50,000 loan commitment from the majority shareholder. However, without the shareholder's current balance sheet, it cannot be determined whether he has sufficient liquid assets to meet the loan commitment. Accordingly, a financial issue will be included.

14. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, for the reasons indicated

above, it must be designated for hearing in a proceeding on the issues set forth below.

15. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Bell Broadcasting Co. is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station WCHB and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

2. To determine, with respect to the application of Bell Broadcasting Co.:

(a) Whether Dr. Haley Bell will have the necessary net available current liquid assets to meet his loan commitment to the applicant.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine whether existing antenna towers and other manmade structures in the vicinity of the antenna system would prevent satisfactory adjustment and maintenance of the proposed directional antenna system.

4. To determine whether the proposed directional antenna system will comply with the minimum efficiency requirements of § 73.189 of the Commission rules.

5. To determine the deviations in antenna parameters which would be permissible without the radiation exceeding the MEOV's and whether the array can be maintained within these values.

6. To determine whether overlap of the 2 and 25 mv/m contours would occur between the applicant and station WPON, Pontiac, Mich., in contravention of § 73.37 of the Commission rules.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

16. It is further ordered, That the petition to deny filed by Booth American Co. is granted, to the extent indicated above and is denied in all other respects.

17. It is further ordered, That Booth American Co., licensee of station WJLB, is made a party to the proceeding.

18. It is further ordered, That, in the event of a grant of the application of WCHB, the construction permit shall contain the following condition:

After construction and adjustment of the nighttime array and before program tests are authorized, sufficient field intensity measurements shall be made on the daytime array to establish that it remains adjusted within authorized limits.

19. It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for

the hearing and present evidence on the issues specified in this order.

20. It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: October 14, 1971.

Released: October 20, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,⁶

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-15756 Filed 10-28-71; 8:50 am]

[Dockets Nos. 19198, 19199; FCC 71R-311]

DOUGLAS C. DILLARD AND ARBuckle BROADCASTERS, INC.

Memorandum Opinion and Order Enlarging Issues

In re applications of Douglas C. Dillard, Ardmore, Okla., Docket No. 19198, File No. BPH-6542; and Arbuckle Broadcasters, Inc., Ardmore, Okla., Docket No. 19199, File No. BPH-6649, for construction permits.

1. The mutually exclusive applications of Douglas C. Dillard (Dillard) and Arbuckle Broadcasters, Inc. (Arbuckle), seek authority to construct a new Class C FM broadcast station to operate on Channel 239 (95.7 MHz) in Ardmore, Okla. The Commission, by order (FCC 71-351, 36 F.R. 7544, published April 21, 1971), designated these applications for consolidated hearing on various issues, including one to determine whether a grant of the Dillard proposal would tend to create an undue concentration of control over local media of mass communications. In specifying an inquiry in this area, the Commission noted that: (1) Channel 239 is the only Class C FM channel available in Ardmore (although a Class A FM channel is available); and (2) Dillard's wife and her family control the only standard broadcast station (KVSO) in the community as well as Ardmore's only daily and weekly newspapers. Even though Dillard had indicated his intention to resign as manager of KVSO, the Commission was unpersuaded that Dillard's proposed station and KVSO would not be under common control. Subsequently, by order (FCC 71-708, released July 12, 1971), the Commission denied a motion, filed by Arbuckle on May 6, 1971, to add the licensee of KVSO as a party to the instant proceeding.¹ Presently before the Review

⁶ Commissioner Reid not participating.

¹ The Commission explained that the concentration of control issue has no bearing on KVSO's qualifications as a licensee and that Arbuckle had made no showing in support of its motion that the concentration of control matter cannot be fully explored without KVSO's participation.

Board is a motion to enlarge issues, filed on May 6, 1971, by Arbuckle, which seeks the addition of real party-in-interest, strike and Rule 1.65 issues against Dillard.²

2. Arbuckle premises its request for a real party-in-interest issue³ on the following factual allegations: (1) The Dillard application was ostensibly filed by Douglas C. Dillard as an individual; (2) Dillard's occupation as general manager of Station KVSO was noted in the application; (3) Dillard's wife and her family own KVSO,⁴ as well as a company (Ardmoreite Publishing Co.) which publishes the only daily and weekly newspapers in Ardmore; (4) the publishing company and the AM station are located in the same building as that identified in Dillard's application as the proposed FM station's site; and (5) Dillard's financial showing relies on funds deposited in a checking account in the name of the Daily Ardmoreite, which is published by a company owned by Dillard's wife and her family. In addition, Arbuckle notes that Dillard signed KVSO's ownership report, filed on March 2, 1971, as "General Manager & Partner" and signed section I of KVSO's last renewal application. Petitioner also refers to other facts of less significance, which allegedly suggest an effort by Dillard to disguise his relationship with KVSO and the Riesen family, such as: Dillard's failure to identify "Betty Riesen Dillard" as his wife

² Related pleadings before the Board include: (a) Broadcast Bureau's comments, filed May 28, 1971; (b) Dillard's opposition, filed June 4, 1971; and (c) Arbuckle's reply, filed June 9, 1971. By letter of July 28, 1971, to the Commission, Arbuckle's counsel requested the Board to hold in abeyance any action on its enlargement request pending the preparation, filing, and approval of a joint dismissal agreement between the parties. The Bureau, in a pleading filed on Aug. 2, 1971, opposed the letter request. On Aug. 17, 1971, the parties filed a joint request for approval of agreement with the Examiner, which seeks approval of the reimbursed dismissal of Arbuckle's application. Since the questions raised by Arbuckle's motion to enlarge involve Dillard's requisite qualifications, we see no reason to delay our consideration thereof. Also, we note that the stay request should have been directed to the Board in a formal pleading. See Home Service Broadcasting Corp., 23 FCC 2d 914, 19 R.R. 2d 315 (1970).

³ The issue requested seeks to determine whether Dillard is the only person interested in the application and, if not, what other party or parties are involved; and whether Dillard has been candid in revealing his relationship with other persons who could benefit by a grant of his application.

⁴ The licensee of Station KVSO is Albert Riesen, Jr., Betty Maureen Riesen Dillard, Jean Lowenstein Riesen Hughes, an individual, and Jean Lowenstein Riesen Hughes, and T. Fred Collins, co-trustees of John M. Riesen and Lisa Riesen, under the Last Will and Testament of John Easley Riesen, deceased, doing business as KVSO Broadcasting Co. In regard to ownership interests, petitioner notes that Albert Riesen, Jr. and Betty Maureen Riesen Dillard (Dillard's wife) each own one-third; that Jean Lowenstein Riesen Hughes, one-ninth (as an individual); and the trustees, two-ninths.

in Section II of his application; his response in paragraph 19 of the application that he had no connection with a broadcast station; and his failure to specify the location of Station KVSO in Table II of the application. In regard to the frequency applied for by Dillard, Arbuckle points out that FM Channel 239 was allocated to Ardmore in 1966 at KVSO's request, but that KVSO never applied for the facility; that Arbuckle first tendered its application for filing in October 1968, whereas Dillard submitted his application in November of 1968; and that, between the time when Channel 239 was allocated to Ardmore and the submission of these applications, the Commission initiated an interim policy whereby proposals to acquire an additional full-time broadcast station in a market would not be acted on until resolution of the Commission's multiple ownership rule making proceeding in Docket No. 18110 (see FCC 68-332, 33 F.R. 5315, published April 3, 1968). Petitioner urges that these facts raise serious questions as to whether Dillard made a complete disclosure in his application and as to who are the real parties-in-interest in the Dillard proposal.

3. Arbuckle relies on the same factual allegations to support its request for a strike issue against Dillard. Petitioner contends that the factors to be considered in determining the actual purpose behind an application's filing, such as family relationship, close business relationship, financial support, and timing of the application's filing, are all present here and suggest that the real purpose for Dillard's proposal was to delay the establishment of a competitive broadcast facility in Ardmore. Arbuckle notes that KVSO's interest in this regard is obvious. With respect to its Rule 1.65 request, Arbuckle asserts that Dillard has, for the last 3 months, been a regional director for the Department of Housing and Urban Development with offices in Fort Worth, Tex., but that he has not advised the Commission of this change in occupation. In light of Dillard's representation in his application to the effect that he would be general manager of the proposed FM station and would devote "substantially all of his time" to station operation, Arbuckle contends that Dillard's notification failure assumes significance and warrants the requested issue.³

4. In opposition, Dillard initially contends that Arbuckle's enlargement request is not supported by affidavits, as required by Rule 1.229. The applicant also claims that the questions raised by Arbuckle may be explored under the ex-

isting concentration of control and comparative issues. With regard to petitioner's factual allegations, Dillard counters with the following assertions: (1) His position as general manager of KVSO was one of employment and not ownership; (2) he has severed his relationship with KVSO and has been working for HUD in Fort Worth, as noted by Arbuckle;⁴ (3) it is economical and not uncommon for FM stations to share facilities with AM stations, and KVSO is the only station with which such an arrangement can be made; (4) a real party-in-interest issue, pursuant to precedent, will not be specified merely because funds are to be obtained from a relative or close personal friend or business acquaintance; and (5) he has not attempted to hide the fact that he is married to Betty Maureen Riesen Dillard, who owns interests in KVSO and the Ardmoreite Publishing Co. Thus, Dillard maintains that the facts alleged by Arbuckle are insufficient to support the addition of a real party-in-interest issue. The applicant also contends that the request for a strike issue should be denied since he has no interest in KVSO. Finally, Dillard suggests that his forthcoming amendment (see note 6, supra) will obviate the need for any further inquiry into the Rule 1.65 question.

5. In its reply pleading, Arbuckle claims that both Dillard and the Bureau have misinterpreted Rule 1.229, which does not require the submission of supporting affidavits if all facts alleged are subject to official notice. Petitioner points out that all of its factual assertions (except for those concerning Dillard's employment which have been admitted as true by Dillard) can be verified by reference to Commission records. While Arbuckle concedes that the existing hearing issues are broad enough to permit the introduction of evidence relating to the matters now raised, it points out that a resolution of these questions may not be made without the issues being specified. Petitioner asserts that, in spite of Dillard's response, certain matters relevant to the real party-in-interest question remain unsettled, such as the reason why Dillard signed KVSO's most recent ownership report as "General Manager & Partner" if he was only an employee; whether KVSO and Dillard's proposed FM station are independently or commonly owned and, if the latter, the nature of such ownership; and the terms and conditions of the financing to be received by Dillard from his wife's family newspaper. The fact that Dillard has no ownership interest in KVSO, Arbuckle states, is not dispositive of its request for a strike issue, especially since KVSO had sought the FM allocation for its own use and since the Commission's interim policy had foreclosed KVSO from applying for the channel in its own name. In re-

³ Dillard indicates that he will file an amendment to his application which will show his resignation from KVSO. Such an amendment was filed on June 15, 1971; it explains that Dillard will maintain his Ardmore residence and will commute to work.

gard to its Rule 1.65 request, Arbuckle asserts that an issue is warranted in light of Dillard's admission concerning his change in employment and his failure to explain his noncompliance with the rule.

6. In the Board's view, the factual allegations advanced by the petitioner, most of which are not disputed by Dillard in his opposition pleading, raise a serious question as to whether Dillard is the real party-in-interest in the Ardmore FM proposal.⁵ Although some of these allegations were before the Commission when it designated the applications for hearing (see paragraph 1, supra), we believe that sufficient additional support has been offered by Arbuckle to justify enlargement of the issues.⁶ In this regard, we note that the Commission, in specifying a concentration of control inquiry, expressed its concern about the possible common control of KVSO and the proposed FM station in view of the fact that Channel 239 is the only Class C FM channel available in Ardmore and that Dillard's wife and her family own the only AM station and newspapers in the community. When we consider the close relationship between Dillard and KVSO and the further facts that Dillard has apparent access to the checking account of the Riesen family's newspaper;⁷ that the FM station will be located in the same building as the AM station and the Riesen newspapers, and that Dillard signed KVSO's ownership report as "General Manager & Partner" and signed section I of KVSO's last renewal application, a serious question is raised as to whether KVSO and its principals will be in a position to control the operation of the proposed FM station. Compare Sumiton Broadcasting Co., Inc., 15 FCC 2d 400, 14 RR 2d 1000 (1968). Our conclusion in this regard is reinforced by the fact that KVSO has never applied for the FM facility even though it had requested the allocation and that, by the time Arbuckle filed its proposal, the Commission had instituted its interim procedure whereby final action on proposals inconsistent with the proposed "one-to-a-market" policy was deferred. We also

⁴ The fact that no supporting affidavits accompanied Arbuckle's request is not determinative here since most of the facts relied on by the petitioner are subject to official notice and since Dillard has conceded the accuracy of the significant allegations. See RKO General, Inc. (WNAC-TV), 30 FCC 2d 138, 22 RR 2d 178 (1971).

⁵ In a predesignation pleading which concerned the effect of the Commission's proposed multiple ownership rule making, Arbuckle recited some of the same factual allegations, but did not request the specification of the issues now sought.

⁶ Although Dillard's application indicates that the \$25,000 in funds in the Daily Ardmoreite's checking account were not deposited for the specific purpose of constructing and operating the proposed FM station, Dillard is apparently relying on these funds. Moreover, his opposition pleading does not detail the terms and conditions of the financing to be received by him from his wife's family newspaper.

³ The Broadcast Bureau supports the requested real party-in-interest issue on the basis of the facts alleged by Arbuckle which may be officially noticed by the Board. However, in the absence of supporting affidavits, the Bureau opposes addition of the requested strike and Rule 1.65 issues. In regard to the Rule 1.65 question, the Bureau suggests that the Board can evaluate the reasons offered by Dillard for his failure to report the change in his occupation.

note that Dillard has not submitted affidavits to buttress its opposition. In view of the potential implications of our action here in specifying a real party-in-interest issue against Dillard, we will name KVSO as a party respondent in this proceeding for the limited purpose of participating in the resolution of this issue.¹⁹ See United Community Enterprises, Inc., 18 FCC 2d 555, 16 RR 2d 742 (1969), review denied FCC 69-1214, released November 12, 1969.

7. The Board, however, does not believe that the allegations presented in support of the strike issue are sufficient to warrant its addition. In this regard, we find it significant that, even if it is established that KVSO is a real party-in-interest in Dillard's application, KVSO originally sought the FM allocation and expressed its intention to construct long before Arbuckle evidenced any intent to apply for the channel, and, but for the interim rule making proceeding, could have actively sought the FM application. Therefore, this situation differs from a classic strike pattern wherein an existing licensee is spurred into action by the appearance of a competitor; here, KVSO, itself opened the doors to competition, and made it possible for Arbuckle to file. Nor do petitioner's allegations tend to show, in any other way, that Dillard's motives for filing were even in part to hinder, obstruct, or delay a grant of Arbuckle's application, rather than for the purpose of constructing the station himself. Thus, in light of the insufficient showing presented by Arbuckle, we are of the view that the requested strike issue should be denied.

8. With regard to Arbuckle's Rule 1.65 request, the Board is of the opinion that an appropriate issue is also warranted. Dillard has admitted that he changed his employment without advising the Commission even though his proposal contemplates his full-time participation in the FM operation; however, he has offered no explanation for this failure to advise the Commission in his opposition pleading. In his amendment, filed June 15, 1971,²⁰ Dillard indicates that the change in employment should not be considered a "substantial change" in the application since he intends to maintain his Ardmore residence and to commute to work. Since Dillard has submitted no verified explanation for his failure to comply with Rule 1.65 requirements in regard to his change in employment and since we are unable to assess the significance of this change in terms of his integration proposal, we will specify an inquiry into this matter. Compare Chapman Radio and Television Co., 25 FCC 2d 855, 20 RR 2d 411 (1970).

¹⁹ While the concentration of control issue might be construed to permit the introduction of evidence relevant to Arbuckle's requested issues, the Examiner would be unable to resolve the questions raised by the petitioner in the absence of specific hearing issues.

²⁰ The amendment was accepted by the Hearing Examiner by Order, FCC 71M-1092, released June 30, 1971.

9. Accordingly, it is ordered, That the informal request to hold in abeyance action on the instant motion to enlarge issues, filed on July 28, 1971, by Arbuckle Broadcasters, Inc., is denied; and

10. It is further ordered, That the motion to enlarge issues, filed on May 6, 1971, by Arbuckle Broadcasters, Inc., is granted to the extent herein indicated; and is denied in all other respects; and

11. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Douglas C. Dillard is the real party-in-interest in BPH-6542 and, if not, what other person(s) are involved in the application.

(b) To determine whether Douglas C. Dillard has failed to comply with the requirements of § 1.65 of the Commission's rules in regard to the matters noted in this memorandum opinion and order.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Douglas C. Dillard possesses the requisite or comparative qualifications to be a Commission licensee; and

12. It is further ordered, That the burden of proceeding with the introduction of evidence under Issues (a) and (b) added herein shall be on Arbuckle Broadcasters, Inc., and that the burden of proof under the issues added herein SHALL BE on Douglas C. Dillard; and

13. It is further ordered, That KVSO Broadcasting Co., licensee of Station KVSO, Ardmore, Okla., is made a party to this proceeding for the limited purpose of resolving Issue (a) added herein.

Adopted: October 18, 1971.

Released: October 20, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,²¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-15757 Filed 10-28-71; 8:50 am]

[Docket No. 19329; FCC 71-1049]

GREENFIELD BROADCASTING CORP. Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In regard application of Greenfield Broadcasting Corp., Greenfield, Mass., Docket No. 19329, File No. BP-17945; requests: 1520 kc., 5 kw., DA-Day, for construction permit.

1. The Commission has before it for consideration (i) the above-captioned application for a new standard broadcast station at Greenfield, Mass.; (ii) the memorandum opinion and order of July 14, 1971, Greenfield Broadcasting Corporation, 30 FCC 2d 774, 22 RR 2d 497; and (iii) the applicant's amendment of August 19, 1971.

2. In the aforementioned memorandum opinion and order, the Commission

²¹ Board Member Kessler absent. Board Member Berkeymeyer dissenting in part and voting to add a strike issue against Dillard.

denied in part a petition for reconsideration by Amherst Broadcasting, Inc., licensee of station WTTT, Amherst, Mass., directed against our memorandum opinion and order of March 16, 1971, FCC 71-247, 21 RR 2d 463, granting the above application without hearing. The Commission, however, also stayed the effectiveness of the grant to provide Greenfield the opportunity for submission of additional financial information. As noted above, the applicant filed its financial amendment on August 19, 1971.

3. Examination of Greenfield's amended application indicates that \$213,670 will be needed to meet first-year construction and operating costs. This total consists of: Down payment on equipment, \$16,484; first-year payments on equipment, including interest, \$20,536; land, \$9,000; buildings, \$20,000; interest on bank loans, \$14,875; miscellaneous expense, \$12,500; and first-year operating costs, \$120,275. To meet this requirement Greenfield relies on a \$20,000 capital contribution from its parent, Monadnock Broadcasting Corp. (Monadnock), a \$25,000 loan from The Cheshire National Bank, and a \$200,000 loan from Merchants National Bank of Manchester, N.H. Both loans are to be guaranteed by the parent corporation and two of its principals, David Shurtleff and Talbot Hood. Since none of the guarantors, however, have complied with the instructions to section III of the application form requiring them to submit statements evidencing their willingness to become liable on the notes, the prospective bank loans cannot be credited to the applicant. In addition, Monadnock has not filed a current balance sheet as required by the application form. Moreover, Shurtleff and Hood have not filed financial information from which a determination might be made as to whether they are in a position to guarantee the loans.¹ Finally, there is the question of the applicant's and its parent's ability to meet second-year costs. Under the Commission's financial test as set out in Ultravision Broadcasting Co., FCC 65-581, adopted June 30, 1965, 5 RR 2d 343, an applicant must show not only sufficient liquidity to meet first-year construction and operating costs but also, under some circumstances, the ability to operate on a continuing basis. Ultravision, supra, at 347-8. Thus, where an applicant has met the first-year test by deferring substantial fixed charges beyond the first year of operation, the Commission may inquire into its ability to sustain operation during its second year of operation.² A-C Broad-

¹ Although such a showing is not specifically required by the instructions to section III of the form, guarantors have been required to divulge at least their net worth positions where a significant bank loan is relied upon and no other collateral is specified.

² The bank letters both recite that they would favorably consider elimination of principal payments for up to 1 year, and without such deferral Greenfield could not meet its estimated \$213,670 first-year costs.

casters, 10 FCC 2d 256, 11 RR 2d 359; Clay Broadcasters, Inc., FCC 71-264, adopted March 10, 1971, 21 RR 2d 444. The circumstances of this case seem to warrant a similar inquiry. Assuming that Greenfield's previously estimated operating costs (\$120,275) remain constant during its second year of operation, its total estimated expenditures during the second year would be as follows:

Equipment payments.....	\$17,200
Bank loan repayments on \$225,000 on 5-year basis.....	45,000
Interest on unpaid balances.....	12,000
Operating expense.....	120,275
Total	194,475

If Greenfield is able to generate sales of \$120,275 (a figure equal to its operating expense and \$30,000 above its own \$90,000 estimated first-year revenues) it would end up approximately \$74,000 short. In this event, the guarantors would be responsible for \$57,000 in principal (\$45,000) and interest (\$12,000). At this juncture, neither the applicant nor its principals have come forward with a showing that they have the resources to meet these obligations. Accordingly, we cannot find the applicant financially qualified and an appropriate issue will be specified.

4. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

5. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the above application:

(a) Whether Monadnock Broadcasting Corp., David Shurtleff and Talbot Hood are willing to guarantee \$225,000 in prospective bank loans to Greenfield Broadcasting;

(b) The current financial condition of Monadnock Broadcasting Corp., and whether it is in a position to guarantee the bank loans, and whether it has sufficient net liquid assets available to meet its \$20,000 capital contribution;

(c) The current financial condition of David Shurtleff and Talbot Hood and whether they are in a position to guarantee the \$225,000 in bank loans;

(d) Whether sufficient funds will be available to sustain the proposed station during its second year of operation; and

(e) Whether, in light of the evidence adduced pursuant to (a), (b), (c), and (d), above, the prospective bank loans are available and whether the applicant is financially qualified to construct and operate as proposed.

2. To determine, in light of the evidence adduced pursuant to the foregoing

issue, whether a grant of the application would serve the public interest, convenience and necessity.

6. It is further ordered, That Amherst Broadcasting, Inc., licensee of station WTTT, Amherst, Mass., is made a party to the proceeding.

7. It is further ordered, That the Commission's order of July 14, 1971, staying the effectiveness of Greenfield Broadcasting Corp.'s construction permit is vacated and that the grant of the aforementioned construction permit is hereby set aside.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. It is further ordered, That the applicant herein shall, pursuant to section 331(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 14, 1971.

Released: October 20, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-15758 Filed 10-28-71; 8:50 am]

[Dockets Nos. 18856, 18858; FCC 71R-318]

GEORGE E. WORSTELL AND
CIRCLEVILLE BROADCASTING CO.

Memorandum Opinion and Order
Enlarging Issues

In regard applications of George E. Worstell, Circleville, Ohio, Docket No. 18856, File No. BP-17648, and Circleville Broadcasting Co., Circleville, Ohio, Docket No. 18858, File No. BP-17868, for construction permits.

1. This proceeding involves the mutually exclusive applications of George E. Worstell (Worstell) and Circleville Broadcasting Co. (Circleville), for authority to construct a new standard broadcast facility on 1540 kHz at Circleville, Ohio. The Commission designated the applications for hearing by memorandum opinion and order, FCC 70-501, released May 22, 1970. By order, FCC 71M-1315, released August 12, 1971, Worstell was permitted to amend his application to, inter alia, specify a new antenna location. Presently before the Review Board is a motion to enlarge issues, filed August 18, 1971, by Circleville, seeking to add an issue to this proceeding to

² Commissioner Reid not participating.

determine whether the 0.5 mv/m daytime groundwave contour of the proposed operation of Worstell will overlap the 0.5 mv/m contour of Station WDLR, Delaware, Ohio.¹

2. By order, FCC 71M-1348, issued August 19, 1971, the Hearing Examiner confirmed his oral ruling denying Circleville's request for further hearings for introduction of additional engineering testimony. Circleville there argued that Worstell had failed to make a complete allocation study in that no showing was made of the location of the Station WDLR, Delaware, Ohio, 0.5 mv/m contour. In response, Worstell's consulting engineer testified that he had considered WDLR, and found no problem of prohibitive overlap. Thereafter, Circleville made the request for an opportunity to submit further engineering testimony which the Examiner, supported by the Bureau, denied on the ground that no issue had been specified for making such a determination; the Examiner held that if Circleville desired to pursue the matter it should be presented to the Review Board.²

3. Circleville, in support of the instant motion submits an exhibit depicting the location of part of the WDLR 0.5 mv/m contour which is based on the WDLR 1960 proof of performance measurement data and FCC Figure M-3.³ Circleville contends that the WDLR 0.5 mv/m contour and the Worstell proposed 0.5 mv/m contour would overlap and, as a result thereof, the issues should be enlarged to make this determination a part of the hearing record. The Broadcast Bureau, in its comments, notes that the area involving overlap as depicted by Circleville is between the 175° and 220° radials; that Circleville's consulting engineer computed the location of the WDLR contour on these radials; and that a smooth curve was used to connect these two points without computations being made between the two points. The Bureau objects to the application of the measurement data over such a wide arc, citing Patchogue Broadcasting Co., Inc. (WPAC), FCC 59-544, 18 RR 625, 628. The Bureau contends that Circleville has not applied an acceptable methodology in directions where no measurement data is available and, therefore, the issues should not be enlarged, as requested.

¹ Other related pleadings before the Board for consideration are: (a) Supplement to the motion, filed Aug. 23, 1971, by Circleville; (b) opposition filed Aug. 24, 1971, by the Broadcast Bureau; (c) opposition, filed Aug. 30, 1971, by Worstell; and (d) reply, filed Aug. 31, 1971 by Circleville.

² It is the Board's view that in the circumstances present here the filing of Circleville's motion was not dilatory.

³ Circleville used WDLR measured data taken on radials at 140°, 175°, 220°, and 265°. The conductivity determined from these data was applied out to the last point measured (approximately 20 miles for each radial) and Figure M-3 conductivity was used for the remaining distance covered by the WDLR 0.5 mv/m contour. The Worstell proposed 0.5 mv/m contour was based on Figure M-3 conductivity.

Worstell, in its opposition, supports the Bureau's position.

4. In reply to the Bureau and Worstell, Circleville argues that the case cited by the Bureau, Patchogue, supra, is inapposite in that the measurement data and maps used in determining the WDLR contour indicate a similar terrain for all of the pertinent area, whereas Patchogue involved salt water paths and coastal areas that are unlike that near WDLR. Circleville submits that its showing of overlap is based on good engineering judgment and raises a substantial question of overlap which justifies the addition of the requested issue, citing TV Cable of Waynesboro, Inc., 18 FCC 2d 1055 (1969), and Lawrence County Broadcasting Corp., 8 FCC 2d 597 (1967). Finally, Circleville points out that Worstell has not included a showing of the controversial contours in his opposition.

5. The Review Board agrees that Circleville did not utilize an acceptable method when it drew a smooth arc between two radials 45° apart as a means of depicting the location of the WDLR 0.5 mv/m contour. Consequently, the depiction of overlap resulting from drawing such an arc cannot be considered. However, there are other matters of significance to be considered. Based on proof-of-performance measurements along the WDLR 175° radial and on Figure M-3 of the Commission's rules, Circleville's showing depicts the WDLR and Worstell 0.5 mv/m contours as being tangent at a point on that radial—a showing not commented upon in the responsive pleadings. In addition, the material available to the Board, including the above-noted testimony of Worstell's engineer that he had considered WDLR, indicates that Worstell has not met Commission requirements in his current amended application—which does not depict the WDLR and Worstell 0.5 mv/m contours. In this connection, paragraph 12(b), page 2, section V-A of the FCC application Form 301, requires, among other things, (a) a full-scale exhibit of the normally protected and interfering contours over pertinent areas of all other proposals and existing stations which require study to show the absence of objectionable interference, and (b) a plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers, and operating or proposed facilities. Nor is the WDLR 0.5 mv/m contour depicted on any previous amendment to Worstell's application. Finally, despite the controversy over the matter, Worstell has not, in his opposition pleading or elsewhere, submitted a showing of his determination of the location of those contours. Such a showing is pertinent to a resolution of the questions raised by Circleville's motion and the responsive pleadings.

6. The Board's review of all the foregoing indicates that, in the circumstances of this case, the questions raised

⁴ Verne M. Miller, 1 RR 2d 1027 (1964); Dodge Point Broadcasting Co., 11 FCC 2d 751 (1968).

as to the location of the WDLR and Worstell 0.5 mv/m contours would be best resolved by inquiry in the evidentiary hearing, and that the addition of an appropriate issue is warranted. Lawrence County, supra; TV Cable, supra.

7. Accordingly, it is ordered, That the request to accept the supplement to motion to enlarge issues, filed on August 23, 1971, by Circleville Broadcasting Co. is granted, and the supplement is accepted; and that the motion to enlarge issues, filed August 18, 1971, by Circleville Broadcasting Co. is granted; and

8. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the 0.5 mv/m daytime groundwave contour of the proposed operation of George E. Worstell will overlap the 0.5 mv/m contour of standard broadcast station WDLR, Delaware, Ohio, in contravention of section 73.37 of the Commission's rules.

9. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on George E. Worstell.

Adopted: October 21, 1971.

Released: October 22, 1971.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc.71-15759 Filed 10-28-71; 8:50 am]

[FCC 71-1091]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

OCTOBER 22, 1971.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 7, 1971, the following standard broadcast application will be considered ready and available for processing:

BP-17838 New, Iowa City, Iowa
John F. Burns, Thomas Rieke, and Raymond Voss, doing business as Burns, Rieke, and Voss Associates
Req: 1560 kc., 1 kw., DA-2, U, (Specified hours nighttime DA)

Pursuant to the provisions of §§ 1.227(b) (1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than December 6, 1971.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(d) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission October 21, 1971, Commissioners Burch (chairman), Robert E. Lee, Johnson, H. Rex Lee, and

Wells, with Commissioner Reid not participating.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc.71-15761 Filed 10-28-71; 8:50 am]

[Docket No. 19154, FCC 71-1095]

BROADCAST RENEWAL APPLICANTS

Formulation of Policies; Order Extending Time for Filing Comments

In the matter of formulation of policies relating to the broadcast renewal applicant, stemming from the comparative hearing process, Docket No. 19154.

1. The Commission has before it the petition of Storer Broadcasting Co., filed October 21, 1971, requesting that the date for filing comments be extended for 10 days from November 1, 1971, to November 11, 1971. As grounds therefor, the petition states that because of recent unforeseen developments, its counsel " * * * will be required to be out of the country during the next week on business involving another government agency (Department of State)." The petition also notes the complexity and importance of the issues in the proceeding, and asserts that " * * * the modest extension sought herein will serve the public interest by facilitating the submission of better and more helpful comments in this important proceeding, not only by Storer but by all participants."

2. In view of the foregoing: It is ordered, This 22d day of October 1971, That the time for filing comments is extended to November 11, 1971, and that the time for reply comments is extended to December 13, 1971.

Approved: October 22, 1971.

Released: October 22, 1971.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[FR Doc.71-15760 Filed 10-28-71; 8:50 am]

[Report 567]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

OCTOBER 26, 1971.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any

¹ Commissioners H. Rex Lee and Wells absent; Commissioner Reid not participating.

² All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

³ The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon

the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File number, applicant, call sign, and nature of application

- 2166-C2-AP/AL-(2)-72—Joseph Giorgianni, Consent to assignment of license from Joseph Giorgianni, Assignor, to Mobilphone-Paging Radio Corp., Assignee. Stations: KCA725 Providence, R.I., and KPS653 Johnston, R.I. (one-way).
- 2122-C2-P-72—Phenix Communications Co. of Georgia, Inc. (New), New (one-way) station to be located at approximately 3.5 miles west of Phenix City, Ala., to operate on 158.70 MHz.
- 2123-C2-MP-(8)-72—The Bell Telephone Co. of Pennsylvania (KEK300), Change antenna system operating on 152.84 MHz at location No. 1: 4224 Mount Troy Road, Pittsburgh, PA; location No. 2: 2607 Skyline Drive, West Mifflin, PA; location No. 3: Lyon Street, Pittsburgh, Pa.; location No. 4: Brinson Road and Yost Boulevard, Braddock Hills, PA; location No. 5: McRobert's Road, Castle Shannon, Pa., location No. 6: Route No. 60, at Campbells Run Road, Robinson Township, Pa.; location 7: Logan's Ferry Road, Plum Township, Pa.; and location No. 8: Fox Chapel Road, Indiana Township, Pa.
- 2124-C2-P-72—Curtin Call Communications, Inc. (KSD318), Replace transmitter operating on 35.58 MHz, change the antenna system and relocate facilities to 5727 Tokay Boulevard, Madison, WI.
- 2125-C2-P-72—Mankato Answering Service, Inc. (New), New (one-way) station to be located at Lee Boulevard and Roe Crest Drive, Mankato, MN, to operate on 152.24 MHz.
- 2127-C2-AL-72—Radio Page of Michiana, Inc., Consent to assignment of license from Radio Page of Michiana, Inc., Assignor, to Dial-a-Page, Inc., Assignee. Station: KSD320, South Bend, Ind.
- 2128-C2-P-72—Mobilphone of Monmouth and Ocean (KEJ885), Replace transmitter operating on 454.100 MHz and change the antenna system located at the northwest corner of Freeway and 35 West Bangs Avenue, Neptune, NJ.
- 2165-C2-P-72—Ravel Communications Co. (New), New station to be located at 611 South Armstrong Avenue, Denison, TX, to operate on 152.06 MHz.
- 2166-C2-P-72—Basei Communications Co. (New), New (one-way) station to be located at 611 South Armstrong Avenue, Denison, TX, to operate on 158.70 MHz.
- 2170-C2-P-72—Project Mutual Telephone Cooperative Association, Inc. (KOH281), Additional facilities to operate on 152.60 MHz, located at 15 miles northwest of Rupert, Kimama Butte, Idaho.
- 2171-C2-P-72—The Mountain States Telephone & Telegraph Co. (EDN407), Change antenna system operating on 35.32 MHz, location No. 1: 5 miles northeast of Colorado Springs, Colo.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

- 2220-C2-P-72—Lake Shore Communications (New), New (two-way) station to be located at 101 North Main Street, South Bend, IN, to operate on 152.120 MHz.
- 1998-C2-P-72—Northern Mobile Telephone Co. (New), For a new (one-way) station to be located at 1179 County Road No. 44, east of Hunkley, Ohio, to operate on 35.22 MHz.
- 2221-C2-P-72—Cogan-Communications, Inc. (KLF583), Replace the transmitter operating on 182.15 MHz and change the antenna system located on Oak Street, 0.4 mile north of Route No. 6, Barnstable, Mass.
- 2222-C2-P-(2)-72—Tel-Page Corp. (KRH648), Additional facilities to operate on 454.200 and 454.250 MHz at a new site described as location No. 2: 821 Brighton Avenue East, Jamestown, N.Y.
- 2223-C2-P-72—Tel-Page Corp. (KEK295), For additional facilities to operate on 152.24 MHz at a new site described as location No. 2: Hawley Hill, approximately 3 miles west-northwest of Elmira, N.Y.
- 2234-C2-P-(4)-72—Communications Equipment & Service Co. (KWA633), Add control facilities to operate on 454.350 and 454.650 MHz at location No. 1: Ester Dome, Alaska; add base facilities to operate on 152.210 MHz and repeater facilities to operate on 459.350 MHz at location No. 3: Approximately 3 miles southeast of Donnelly, Alaska, and add base facilities to operate on 152.090 MHz and repeater facilities to operate on 459.050 MHz at location No. 4: (Yukon River site) approximately 17 miles southwest of Stevens Village, Alaska.
- 2232-C2-P-(2)-72—Beasley & Carlson, Inc. (KIY588), Change the antenna system and relocate facilities operating 152.21 and 152.09 MHz to 4701 Montgomery Street, Savannah, Ga.
- 2233-C2-MP-(6)-72—Wisconsin Telephone Co. (KWA672), To replace transmitters operating on 152.84 MHz at the following proposed locations: Location No. 1: 722 North Broadway, Milwaukee, WI; location No. 2: 2020 South Calhoun Road, New Berlin, WI; location No. 3: 7721 West Fond du Lac Avenue, Milwaukee, WI; location No. 4: 3045 West Grange Avenue, Greenfield, WI; location No. 5: 220 West Wisconsin Avenue, Waukesha, WI; location No. 6: 4400 North Port Washington Road, Glendale, WI.
- 2234-C2-MP-72—Southern Bell Telephone & Telegraph Co. (KIC345), Replace the test transmitter operating on 157.77, 157.83, 157.86, 157.89, 157.92, 157.98, 158.01, and 158.04 MHz located at 96 Northeast Second Street, Miami, Fla.
- 2235-C2-P-(3)-72—Tel-Car, Inc. (KUA224), Add facilities to operate on 152.15 MHz base and 459.35 MHz repeater at location No. 1: Shafer Butte, 12 miles northeast of Boise, Idaho, and add 454.35 MHz control at location No. 2: On Highway No. 30-E, 0.5 mile east of Meridian, Idaho.
- 2236-C2-P-72—Commercial Radio, Inc. (KJUT96), For additional facilities to operate on 152.18 MHz, located off U.S. Highway No. 1, near Waycross, Ga.
- 2239-C2-AP/AL-(2)-72—Answer-All of Grand Island, Consent to assignment of license from Paul D. Jones, doing business as Answer-All of Grand Island, Assignor, to: Charles P. Oden, doing business as Oden Communications Co., Assignee. Stations: KLF552 and KSV931 (one-way), Grand Island, Neb.
- 871-C2-R-72—Wisconsin Telephone Co. (KC8691), Developmental license expiring Nov. 1, 1971, Term: Nov. 1, 1971, to Nov. 1, 1972.

Major Amendment

8738-C2-P-71—Zipcall (New), Amended to increase transmitter output and higher gain antenna.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference:

Frequency 152.06 MHz

Illinois

North Shore Radio-Telephone, Inc., KSB590, 5776-C2-P-71.

Wisconsin

Racine Private Police, Inc., KLF464, 7454-C2-P-(2)-71.

FEDERAL RADIO SERVICE

2129-C1-P-72—The Pacific Telephone & Telegraph Co. (New). For a new rural subscriber station to be located at Alcatraz Island, San Francisco Bay, Calif., to operate on 439.55 MHz, communicating with station KMA745, San Francisco, Calif.

2169-C1-P/L-72—Jim Mayfield (New). For a new rural subscriber station to be located 46.1 miles, 217°08' Clayton, N. Mex., to operate on 188.55 MHz communicating with station KLB710, Clayton, N. Mex.

2230-C1-P-72—The Mountain States Telephone & Telegraph Co. (New). For a new rural subscriber station to be located at 0.3 mile north of Elsti (Trading Post), N. Mex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

1027-C1-B-72—Bell Telephone Co. of Nevada (KPP90). Renewal of a developmental license expiring Dec. 10, 1971. Term: Dec. 10, 1971, to Dec. 10, 1972.

1926-C1-B-72—Michigan Bell Telephone Co. (KKU73). Renewal of a developmental license expiring Nov. 13, 1971. Term: Nov. 13, 1971, to Nov. 13, 1972.

2130-C1-P/ML-72—Michigan Bell Telephone Co. (KKU73). Location: Temporary fixed locations in the State of Michigan. To add three transmitters to operate in the band 2110-2130; 2160-2180; 3700-4200; 5925-6425; 10,700-11,700 MHz.

1526-C1-P-72—Pacific Power & Light Co. (KPE25). To replace frequencies with 6041.5 and 6130.5 MHz toward Blacktail Mountain via passive reflector. (A resubmitted application.) Location: 111 First Avenue East, Kallispell, MT.

1537-C1-P-72—Pacific Power & Light Co. (KPG94). Location: Blacktail Mountain, 12.1 miles south of Kallispell, Mont. To replace frequencies 6304.7 and 6352.9 MHz toward Kallispell, Mont., via passive reflector. (A resubmitted application.)

2168-C1-P-72—Southeastern Telephone Co. (KIQ82). Location: Walnut and Olive Streets, Monticello, FL. To add frequency 6182.4 MHz toward Tallahassee, Fla.

2225-C1-P-72—General Telephone Co. of Florida (New). New station, 11450 Gandy Boulevard, St. Petersburg, FL. Frequency 6004.5 MHz toward St. Petersburg, Fla.

2226-C1-P-72—General Telephone Co. of Florida (KIT21). Location: 830 Arlington Avenue, St. Petersburg, FL. Latitude 27°45'19" N., longitude 82°38'44" W. To add frequency 6212.1 MHz toward Bradenton, Fla.

2227-C1-P-72—General Telephone Co. of Florida (KIO64). Location: 1015 Fourth Avenue, Bradenton, FL. Latitude 27°29'46" N., longitude 82°34'23" W. To add frequency 6145.3 MHz toward Sarasota, Fla.

2228-C1-P-72—General Telephone Co. of Florida (KIO65). Location: Pine Place and Bamboo Lane, Sarasota, FL. Latitude 27°20'07" N., longitude 82°32'09" W. To add frequency 6412.2 MHz toward Sarasota, Fla.

Major Amendment

224-C1-P-72—South Central Bell Telephone Co. (KJ361). Major amendment: Change frequency on path toward Bowling Green, Ky., from 6256.5 MHz to 6375.2 MHz. All other particulars are the same as reported on Public Notice Report No. 555, Dated August 2, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

1382-C1-ML-72—West Texas Microwave Co. (KZ125). Modification of license to provide, via audio subcarrier, the signal of station KIXL-FM of Dallas, Tex., to Levelland, Tex.

1383-C1-ML-72—West Texas Microwave Co. (KKT90). Modification of license to provide, via audio subcarrier, the signal of station KIXL-FM of Dallas, Tex., to Brownfield, Tex.

2210-C1-P-72—Mountain Microwave Corp. (KBI23). To add new point of communications via interception of licensed frequency 6167.6 MHz on azimuth 149°13' at station KTSO-TV in Pueblo, Colo. Applicant also requests special temporary authority to provide the ETV signals of KRMA-TV of Denver, Colo. to the Southern Colorado State College campus per request of the Public Broadcasting Service.

1384-C1-ML-72—American Microwave & Communications, Inc. (WDD46). Modification of license to acquire/transmit a telephotograph network signal, via audio subcarrier, on existing microwave system.

1385-C1-ML-72—American Microwave & Communications, Inc. (WGI20). Modification of license to deliver, via audio subcarrier, telephotograph network services to United Press International (UPI) at Alpena, Mich.

The following applicants propose to establish omnidirectional facilities for the pro-

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—Continued

vision of common carrier "Subscriber-Programmed" television service:

2117-C1-P-72—Microband Corp. of America (New). Location: Wisconsin Tower Building, Wisconsin Avenue and Sixth Street, Milwaukee, WI. Latitude 43°02'20" N., longitude 87°55'07" W., a new station. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

2118-C1-P-72—Microband Corp. of America (New). New station, Indiana National Bank Tower at Ohio and Pennsylvania Avenues, Indianapolis, IN. Latitude 39°45'12" N., longitude 88°09'20" W. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

2125-C1-P-72—Microband Corp. of America (New). New station at Lincoln Tower and Plaza, Clinton Avenue South and Main Street East, Rochester, NY. Latitude 43°08'24" N., longitude 77°36'22" W. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

2167-C1-P-72—American Communications & Electronics Corp. (New). A new station at 1125 Colorado Street, Allentown, PA. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various points of system.

2237-C1-P-72—Microband Corp. of America (New). Location: 2 Peachtree Street NE., Atlanta, GA. Latitude 33°45'28" N., longitude 84°22'50" W. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) directed toward various receiving points of system.

2238-C1-P-72—Microband Corp. of America (New). Location: Commerce Tower Building, 911 Main Street, Kansas City, MO. Frequencies 2152.325 MHz (visual) and 2150.20 MHz (aural) directed toward various receiving points of system, and 2158.50 MHz (visual) and 2154.00 MHz (aural) directed toward various receiving points of system.

2172-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 1: C.P. for a new fixed station at 1851 South Hampton Road, Jacksonville, FL, at latitude 30°18'47" N., longitude 81°39'00" W. Frequency 11,305.0 MHz on azimuth 144°13'.

2173-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 2: C.P. for a new fixed station at 1070 East Adams Street, Jacksonville, FL, at latitude 30°19'22" N., longitude 81°38'34" W. Frequency 11,365.0 MHz on azimuth 151°08'.

2174-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 3: C.P. for a new fixed station at 9117 Hogan Road, Jacksonville, FL, at latitude 30°16'35" N., longitude 81°16'36" W. Frequency 11,665.0 MHz on azimuth 218°57'.

2175-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 4: C.P. for a new fixed station 7 miles south-southeast of Jacksonville, Fla., at latitude 30°14'04" N., longitude 81°35'35" W. Frequencies 11,175.0 MHz on azimuth 324°15' and 10,775.0 MHz on azimuth 331°10' and 10,975.0 MHz on azimuth 38°56' and 3730.0, 3810.0, 3890.0, and 4050.0 MHz on azimuth 238°39'.

2176-C1-P-72—Microwave Service Co. of Florida, Inc. Site 5: C.P. for a new fixed station 1.7 miles north-northwest of Doctors Inlet, Fla., at latitude 30°07'29" N., longitude 81°47'00" W. Frequencies 3850.0 and 4170.0 on azimuth 56°23' and 3770.0, 3850.0, 4010.0, and 4090.0 MHz on azimuth 239°31'.

2177-C1-P-72—Microwave Service Co. of Florida, Inc. Site 6: C.P. for a new fixed station 2.5 miles north-northwest of Kingsley, Fla., at latitude 29°59'44" N., longitude 82°02'06" W. Frequencies 4130.0 and 3810.0 MHz on azimuth 59°34' and 3750.0, 3810.0, 3890.0 MHz on azimuth 59°24' and 3730.0, 3810.0, 3870.0, and 4050.0 MHz on azimuth 248°45'.

2178-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 7: C.P. for a new fixed station 0.75 mile southeast of Brooker, Fla., at latitude 29°53'14" N., longitude 82°19'33" W. Frequencies 3850.0 and 4170.0 MHz on azimuth 66°37' and 3770.0, 3850.0, 3890.0, 4010.0, and 4090.0 MHz on azimuth 199°11'.

2179-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 8: C.P. for a new fixed station 2.9 miles west-northwest of Paradise, Fla., at latitude 29°42'49" N., longitude 82°23'34" W. Frequencies 3810.0 and 4130.0 MHz on azimuth 19°09' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 167°45'.

- 2180-C1-P-72—Microwave Service Co. of Florida, Inc. Site 9: C.P. for a new fixed station 3.2 miles west of Micanopy, Fla., at latitude 29°30'10" N., longitude 82°20'28" W. Frequencies 3830.0 and 4150.0 MHz on azimuth 347°48' and 3770.0, 3850.0, 3930.0, 4010.0, and 4090.0 on azimuth 103°58'.
- 2181-C1-P-72—Microwave Service Co. of Florida, Inc. Site 10: C.P. for a new fixed station 5.2 miles east-northeast of Citra, Fla., at latitude 29°26'00" N., longitude 82°01'24" W. Frequencies 3810.0 and 4130.0 MHz on azimuth 284°07' and 4030.0, 3710.0, 3790.0, 3870.0, and 4070.0 MHz on azimuth 182°10'.
- 2182-C1-P-72—Microwave Service Co. of Florida, Inc. Site 11: C.P. for a new fixed station 5 miles north-northeast of Santos, Fla., at latitude 29°09'01" N., longitude 82°02'08" W. Frequencies 3850.0 and 4170.0 MHz on azimuth 02°19' and 3750.0, 3830.0, 3910.0, 3990.0, and 4070.0 MHz on azimuth 177°54'.
- 2183-C1-P-72—Microwave Service Co. of Florida, Inc. Site 12: C.P. for a new fixed station 1.2 miles southeast of Oxford, Fla., at latitude 28°54'59" N., longitude 82°01'33" W. Frequencies 3790.0 and 4110.0 MHz on azimuth 357°55' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 150°47'.
- 2184-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 13: C.P. for a new fixed station 1.5 miles west of Oklawaha, Fla., at latitude 28°44'52" N., longitude 81°55'08" W. Frequencies 3770 and 4010 MHz on azimuth 330°50' and 3750, 3830, 3910, 3990, and 4070 MHz on azimuth 121°01'.
- 2185-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 14: New station 2.3 miles northwest of Ferndale, Fla., at latitude 28°38'54" N., longitude 81°43'54" W. Frequencies 3810 and 4130 MHz on azimuth 301°07' and 3710, 3790, 3870, 3950, and 4030 MHz on azimuth 97°59'.
- 2186-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 15: New station 0.8 mile southeast of Lockhart, Fla., at latitude 28°35'41" N., longitude 81°28'08" W. Frequencies 5969.7 and 6108.3 MHz on azimuth 111°43' and 11,425.0 MHz on azimuth 159°55' and 11,885.0 MHz on azimuth 149°10'.
- 2187-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 16: New station 3.3 miles southwest of Groveland, Fla., at latitude 28°31'00" N., longitude 81°53'30" W. Frequencies 3810 and 4130 MHz on azimuth 354°04' and 3810, 3890, 3970, 4050, and 4130 MHz on azimuth 210°43'.
- 2188-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 17: New station 8 miles east-northeast of Richland, Fla., at latitude 28°18'35" N., longitude 82°01'50" W. Frequencies 3770 and 4010 MHz on azimuth 30°59' and 3850, 3930, 4010, 4090, and 4170 MHz on azimuth 165°45'.
- 2189-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 18: New station 329 East Main Street, Lakeland, Fla., at latitude 28°02'40" N., longitude 81°57'17" W. Frequencies 3730 and 3970 MHz on azimuth 345°48' and 3730, 3810, 3890, 3970, and 4050 MHz on azimuth 233°35'.
- 2190-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 19: New station 4.4 miles south-southwest of Plant City, Fla., at latitude 27°55'00" N., longitude 82°08'54" W. Frequencies 3850 and 4170 MHz on azimuth 83°20' and 3770, 3850, 3930, 4010, and 4090 MHz on azimuth 277°19'.
- 2191-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 20: New station at the Floridan Motor Hotel, 905 Florida Avenue, Tampa, Fla., at latitude 27°57'06" N., longitude 82°27'30" W. Frequencies 3810 and 4130 MHz on azimuth 52°10' and 10,775.0 MHz on azimuth 240°09' and 11,175.0 MHz on azimuth 257°58'.
- 2192-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 21: New station 3 miles southeast of Wanneka, Fla., at latitude 27°55'07" N., longitude 81°42'24" W. Frequencies 3750, 3890, 3910, 3990, and 4070 MHz on azimuth 131°29' and 3850 and 4170 MHz on azimuth 289°48'.
- 2193-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 22: C.P. for a new fixed station 5.6 miles east-southeast of Frostproof, Fla., at latitude 27°43'56" N., longitude 81°28'12" W. Frequencies 3790.0 and 4110.0 MHz on azimuth 311°35' and 3790.0, 3810.0, 3890.0, 3970.0 and 4050.0 MHz on azimuth 173°24'.
- 2194-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 23: C.P. for a new fixed station 1.7 miles south of Sebring, Fla., at latitude 27°28'39" N., longitude 81°36'12" W. Frequencies 3850.0 and 4170.0 MHz on azimuth 353°23' and 3750.0, 3830.0, 3910.0, 3990.0, and 4070.0 MHz on azimuth 136°11'.

- 2195-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 24: C.P. for a new fixed station 5.5 miles north-northeast of Lake Placid, Fla., at latitude 27°19'00" N., longitude 81°16'00" W. Frequencies 3790.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 179°44' and 3790.0 and 4110.0 MHz on azimuth 316°15'.
- 2196-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 25: C.P. for a new fixed station 6 miles east-southeast of Venus, Fla., at latitude 27°02'30" N., 81°15'55" W. Frequencies 3850.0 and 4170.0 MHz on azimuth 359°44' and 3850.0, 4010.0, and 4170.0 MHz on azimuth 224°57' and 3830.0, 3910.0, 3990.0, 4070.0 and 4150.0 MHz on azimuth 141°05'.
- 2197-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 26: C.P. for a new fixed station 3.3 miles north-northeast of Moore Haven, Fla., at latitude 26°52'30" N., longitude 81°08'55" W. Frequencies 3710.0 and 3870.0 MHz on azimuth 321°09' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 135°43'.
- 2198-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 27: For a new fixed station 8.3 miles north of La Belle, Fla., at latitude 28°53'10" N., longitude 81°28'18" W. Frequencies 4130.0 and 3810.0 MHz on azimuth 44°52' and 3730.0, 3890.0, and 4050.0 MHz on azimuth 230°05'.
- 2199-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 28: For a new station 2.3 miles northwest of Alva, Fla., at latitude 28°44'38" N., longitude 81°37'37" W. Frequencies 3770.0 and 4090.0 MHz on azimuth 50°01' and 3930.0, 3770.0, and 4090.0 MHz on azimuth 239°12'.
- 2200-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 29: C.P. for a new fixed station on Edison Avenue 0.9 mile east of Franklin Park School, Fort Myers, Fla., at latitude 26°38'00" N., longitude 81°50'00" W. Frequencies 3730.0 and 4050.0 MHz on azimuth 59°08' and 11,175.0 MHz on azimuth 311°50' and 10,775.0 MHz on azimuth 228°22'.
- 2201-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 30: C.P. for a new fixed station 4.2 miles south of Clewiston, Fla., at latitude 28°41'45" N., longitude 80°55'15" W. Frequencies 4010.0 and 4170.0 MHz on azimuth 315°48' and 3750.0, 3830.0, 3910.0, 3990.0, and 4070.0 MHz on azimuth 63°07'.
- 2202-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 31: C.P. for a new fixed station 2 miles east of Pahokee, Fla., at latitude 26°49'24" N., longitude 80°38'24" W. Frequencies 3790.0 and 4110.0 MHz on azimuth 243°14' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 116°37'.
- 2203-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 32: C.P. for a new fixed station 1.5 miles northwest of Royal Palm Beach, Fla., at latitude 26°42'00" N., longitude 80°22'00" W. Frequencies 3770.0, 3930.0, 4010.0, 4090.0, and 4170.0 MHz on azimuth 87°20' and 3770.0, 3850.0, 3930.0, 4010.0, and 4090.0 MHz on azimuth 152°37' and 3850.0, and 4170.0 MHz on azimuth 296°45'.
- 2204-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 33: C.P. for a new fixed station at 224 Deters Street, Palm Beach, Fla., at latitude 26°42'49" N., longitude 80°03'07" W. Frequencies 4130.0 and 3810.0 MHz on azimuth 267°29' and 11,175 MHz on azimuth 202°44'.
- 2205-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 34: C.P. for a new fixed station 8 miles northwest of Boca Raton, Fla., at latitude 26°24'56" N., longitude 80°13'11" W. Frequencies 3810.0 and 4130.0 MHz on azimuth 332°41' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 163°50'.
- 2206-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 35: C.P. for a new fixed station at 2455 Sunrise Boulevard, Fort Lauderdale, Fla., at latitude 26°08'16" N., longitude 80°06'50" W. Frequencies 3770.0 and 4010.0 MHz on azimuth 348°53' and 3750.0, 3830.0, 3910.0, 3990.0, and 4070.0 MHz on azimuth 212°26'.
- 2207-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 36: C.P. for a new station 0.75 mile northwest of Carol City, Fla., at latitude 25°57'00" N., longitude 80°14'45" W. Frequencies 3790.0 and 4110.0 MHz on azimuth 32°23' and 3730.0, 3810.0, 3890.0, 3970.0, and 4050.0 MHz on azimuth 175°42'.
- 2208-C1-P-72—Microwave Service Co. of Florida, Inc. (New). Site 37: C.P. for a new fixed station at 141 Northeast 30th Street, Miami, Fla., at latitude 25°50'35" N., longitude 80°14'13" W. Frequencies 3850.0 and 4170.0 MHz on azimuth 355°42' and 11,305.0 MHz on azimuth 85°02' and 11,225.0 MHz on azimuth 125°57' and 11,385.0 MHz on azimuth 149°27'.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of economic competition:

Florida

Microwave Relay Services, Inc., 401 through 435-C1-P-72.
Video Microwave, Inc. 2001 through 2027-C1-P-72.
Microwave Service Co. of Florida, Inc., 2172 through 2208-C1-P-72.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference:

Corrections to add:

California

Tekkom, Inc. (New), File No. 1985-C1-P-72.
Microband Corp. of America (New), File No. 896-C1-P-72.

Correction

1079-C1-P-72—East Texas Transmission Co. (New), Correction to add: (INFORMATIVE: Applicant proposes to provide the television signals of stations KTVT and KERA-TV to Cypress Valley Cable Television in Marshall, Tex., and to KHC Microwave Corp. in Panoia, Tex. KHC will deliver the service via microwave to the towns of Winnfield and Natchitoches, La.) All other particulars same as reported on public notice dated Sept. 7, 1971.

[FR Doc.71-15652 Filed 10-28-71;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 111]

BMA CORP.**Notice of Receipt of Application for Permission To Acquire Control of First Kansas Financial, Inc.**

OCTOBER 26, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from the BMA Corp., Kansas City, Mo., for approval of acquisition of control of First Kansas Financial, Inc., Shawnee Mission, Kans., a registered savings and loan holding company which controls Colonial Savings and Loan Association, Shawnee Mission, Kans., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of 2.5 shares of the stock of BMA Corp. for each share of stock of First Kansas Financial, Inc. and the concurrent merger of the latter into the former. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.71-15718 Filed 10-28-71;8:47 am]

FEDERAL MARITIME COMMISSION**CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)****Notice of Certificates Issued**

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels in-

dicated, as required by Section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: Pallas.
01322---	Cardigan Shipping Co., Ltd.: Norse Pilot.
01361---	Transportation Maritima Mexicana S.A.: Gina Maria.
01464---	Christian Salvesen, Ltd.: Salmela.
01761---	Union Steam Ship Co. of New Zealand, Ltd.: Waimea.
01861---	BP Tanker Co., Ltd.: British Prospector. British Scientist.
01875---	Sicula Sarda-Compagnia Armatoriale Siciliana S.p.A. Palermo: Giovanni Queirolo. Sunprince.
01919---	Aksjeselskapet Pelagos: Perikum. Pelikan. Pepita. Pontia.
02032---	D. B. Deniz Nakliyatı T. A. S.: M V Keban.
02040---	Odra—Swinoujście: Mors.
02234---	Gulf Mississippi Marine Corporation: Gulf Fleet No. 260.
02270---	Enso-Gutzeit Osakeyhtiö: Finnalpino.
02329---	Antarctic Gas, Inc.: Gay Lussac. Zenon.
02406---	United States Steel Corp.: Hughes No. 251. Hughes No. 680.
02551---	Ellerman Lines, Ltd.: City of Toronto.
02690---	Boreas Transports, Inc.: Regent Cosmos.
02649---	Schiffahrtsgesellschaft Friesecke K.G.: Mar Tierra.
02836---	The Scindia Steam Navigation Co., Ltd.: Jalamoti.

Certificate No.	Owner/operator and vessels
02853---	Pacific Coast Shipping Co.: Packing.
02858---	Intermarine, Inc.: Evelyn.
02862---	Ocean Shipping & Enterprises, Ltd.: Ocean Progress.
02877---	Nippon Yusen Kabushiki Kaisha (The Japan Mail Steamship Co., Ltd.): Futami Maru. Kamakura Maru.
02935---	Cable and Wireless, Ltd.: Sentinel.
02956---	Ashland Oil, Inc.: E.S. 932. E.S. 933. E.S. 934. E.S. 935. RHB-101. RHB-102.
02976---	Arthur-Smith Corp.: JTS 600.
03292---	Maritimecor S.A.: Cherry.
03300---	Construction Aggregates Corp.: Ezra Sensibar. American. Sensibar Sons. Western Squaw. Chimera.
03397---	Mr. Hilmar Reksten: Justinian.
03451---	Kowa Shosen K.K.: Long Beach Maru.
03476---	Nissin Kisen K.K.: Japan Erica.
03480---	Osaka Senpaku K.K.: Suez Maru.
03481---	K.K. Osaka Zosen-Sho: Fukuzaki-Maru.
03513---	Tanda Sangyo Kisen K.K.: Toyota Maru No. 18.
03561---	Skibsaktieselskapet "Solvang" M/S Ornefjell.
03923---	Shinwa Kaiun Kaisha, Ltd.: Shinzui Maru.
04004---	Koninklijke Java-China-Paketaart Lijnen N.V.: Nieuw Holland.
04069---	Omnium Transportation Co.: Omnium Pride.
04276---	Rivtow Straits, Ltd.: Rivtow No. 104.
04357---	Koninklijke Nedlloyd N.V.: Nedlloyd Kembala.
04398---	Hapag-Lloyd Aktiengesellschaft: Roland Bremen. Pratita.
04407---	Domar, Inc.: Z-122.
04423---	Marcona Carriers, Ltd.: SS San Juan Traveler. SS Marconaflo Merchant. MS San Juan Exporter. MS San Juan Trader. SS San Juan Pioneer. SS San Juan Pathfinder. SS San Juan Prospector. SS San Juan Vanguard. SS San Juan Venturer. SS San Juan Voyager.
04565---	Consolidated Navigation Corp.: Conwell.
04798---	Vicksburg Towing Co., Inc.: Redwood.
04887---	Walsh Stevedoring Co., Inc.: D.B. 235.
04958---	B. Van Der Laan Scheepvaart-En Handelsmij. N.V.: Bellatrix.
05208---	Gaelic Tugboat Co.: LSC 236.
05236---	Mid-South Towing Co.: Maba Keice.

Certif- cate No.	Owner/operator and vessels	Certif- cate No.	Owner/operator and vessels
05376---	Stellman Transportation Co.: JTS 200.		Kimovsk. Velikie Luki. Tula.
05577---	Far-Eastern Steamship Co.: Stepan Vostretsov. Egorjevsk. Borya Tsarikov. Gelios. Ostrogzhsk. Orekhov. Omsk. Alexandr Serafimovich. Valdimir Korolenko. Ho Shi Min. Ussurijsk. Vitim. Vysokogorsk. Votkinsk. Pavlovo. Prokofevsk. Przhevalsk. Tiksi. Volsk. Vysotsk. Volchansk. Vostochnyy. Kapitan Bondarenko. Kapitan Myshevsky. General Panfilov. Jubileinyy.		Ilovalsk. Akademik Shukhov. Akademik Rikachev. Alexandr Ulianov. Novozybkov. Vhernyakhovsk. Ljgov. Atkarsk. Almetjevsk. Alapaevsk. Aleksandrovska. Sretensk. Kislovodsk. Bratsk. Michurinsk. Baltiysk. Arkhangelsk. Novolovsk. Novogrudok. Komsomolets Estonii. Komsomolets Litvy. Komsomolets Tadzhikistana. Komsomolets Kirgizii.
05578---	Baltic Steamship Co.: Novomoskovsk. Novoplotsk. Novoaltajsk. Novodruzhesk. Komsomolets Latvii. Izhevsk. Berdiansk. Novomirgorod. Novovolynsk. Novotroitsk. Novokuibyshevsk. Novokuznetsk. Krasnozavodsk. Krasnogvardejsk. Anna Ulyanova. Krasnoe Selo. Krasnodon. Krasnouralsk. Krasnokamsk. Kommunarsk. Komsomolets Uzbekistana. Olyga Ulyanova. Dmitrij Ulyanov. Krasnograd. Krasnoufimsk. Kasimov. Karachaev-Cherkessija. Kovrov. Kaspijsk. Kalininabad. Kanev. Vjatka. Vjazma. Vyborg. Volodarsk. Volkhov. Vatutino. Volzhsk. Velizh. Vereya. Karaganda. Akademik Iosif Orbell. Akademik Yuryev. Professor Nikolay Baranskiy. Akademik Pilatov. Ilya Ulyanov. Vladimir Ilch. Nikolaj Pogodin. Tuljam Foester. Valerian Kulbyshev. Harry Pollit. Novgorod. Novovjatsk. Novosibirsk. Klin.	05580---	Kamchatka Steamship Co.: Floating Crane No. 98. Izimetjev. Zevs.
		05581---	Latvian Steamship Co.: Larisa Reinsner. Janis Rainis. Janis Lencmanis. Alexandra Kollontai. Pollina Osipenko. Klara Tsetkin. Aragvi. Ingur. Kura.
		05591---	Caribbean Charterers & Operators, Ltd.: Caribbean Arichuna.
		05696---	Gestioni Esercizio Navi Sicilia: Capo San Marco.
		05718---	Prosperity Steamship Co., Ltd.: Lucky Three.
		05721---	Marcaminos Armadora S.A. of Panama: Audacious Colocotronis.
		05951---	Surena Delmar Navegacion S.A., Panama: Evanthia.
		05984---	Sakhalin Steamship Co.: Atlas.
		06254---	Andromeda Shipping Co. S.A., of Panama: Spectra J.
		06289---	United Overseas Export Lines, Inc., Liberia: Oriental Lady. Oriental Ruler. Oriental Warrior. Oriental Inventor. Oriental Musician.
		06290---	Dockside Floating Elevators, Inc.: S-24. Mr. Bert.
		06294---	S.I.C. Ship Investment Co. Inc., Ltd.: Siocaribic.
		06296---	Oulu Osakeyhtio: Finnmaid.
		06298---	Tore Ulf AB: Polar Viking.
		06307---	Resolute Shipping, Ltd.: Thuleland. Tavastland.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-15791 Filed 10-28-71; 8:53 am]

[Docket No. 71-77; Special Permission No. 5399]

DILLINGHAM LINES, INC.

Increases in Rates on All Commodities
in U.S. Pacific Coast/Hawaii Trade;
First Supplemental Order

By the original order in this proceeding served August 19, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including December 23, 1971, various revised pages to Tariff FMC-F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 1, authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to permit the filing, upon not less than 1 day's notice, of a consecutively numbered supplement which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof: *It is ordered, That:*

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71-77 to extend the expiration dates in rates and provisions as set forth in Special Permission Application No. 1, said changes to become effective on not less than one day's notice, is hereby granted.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Inter-coastal Shipping Act, 1933.

3. Publications issued and filed under this authority shall bear the following notation: "Issued under authority of First Supplemental Order in Docket No. 71-77 and Federal Maritime Commission Special Permission No. 5399."

4. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes and permits the statutory filing of reduced rates, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 71-15792 Filed 10-28-71; 8:53 am]

GREATER BATON ROUGE PORT
COMMISSION AND OLIN CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. George Mathews, General Counsel, Greater Baton Rouge Port Commission, Dale, Owen, Richardson, Taylor & Mathews, Seventh Floor, Raymond Building, Baton Rouge, La. 70801.

Agreement No. T-1389-2, between the Greater Baton Rouge Port Commission (Port) and Olin Corp. (Olin), modifies the basic agreement which provides for the lease of certain marine terminal facilities to Olin. The purpose of the modification is to (1) amend the provision governing the use of the facilities; (2) amend the renewal provisions of the basic agreement; (3) provide for the expansion of the facilities; (4) modify the tariff provisions for vessels calling at the facility; (5) amend the payment of dockage charges to the port; (6) amend the insurance requirements for the facility; and (7) provide for the issuance of bonds to cover the cost of expansion of the facilities.

Dated: October 22, 1971.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Secretary.

[FR Doc. 71-15793 Filed 10-28-71; 8:53 am]

FEDERAL POWER COMMISSION

[Docket No. R-425]

AREA RATES FOR THE ROCKY MOUNTAIN AREA

Order Denying Motion for Reconsideration

OCTOBER 20, 1971.

On July 15, 1971, we issued a notice of proposed rule making and order pre-

scribing procedure in this proceeding (36 F.R. 13621) proposing to issue rules fixing the just and reasonable rates and otherwise regulating jurisdictional sales of natural gas made under contracts dated before October 1, 1968, in the Rocky Mountain area, and to determine whether the initial rates established by our Order No. 435 for said area should apply to contracts dated on or after October 1, 1968, for such sales. By our Order on Reconsideration of September 7, 1971, we amended our original notice to provide that pipelines would not be required to furnish certain data. Amerada Hess Corp., et al. (Amerada), filed an application for rehearing on September 17, 1971, of our order of September 7, 1971. Inasmuch as our order of September 7 was a procedural order, we will treat Amerada's application for rehearing as a motion for reconsideration.¹

Amerada requests that the Commission require pipelines to submit area data on a working interest basis. Amerada contends we erred in not granting the August 31, 1971, Motion of Four Corners Gas Producers Association, inasmuch as that motion alleges El Paso is the "operator of 3,596 wells out of a total of 6,568 connections on its gathering systems in the New Mexico portion of the San Juan Basin." We reject these contentions.

As we indicated in our September 7 order, pipeline production data has not been used by this Commission in prior area rate proceedings, and Amerada has in no way shown how it would be prejudiced by the procedures we adopted in that order. The scope of this proceeding is one to determine the just and reasonable rates for jurisdictional sales of independent producers under contracts dated prior to October 1, 1968. Thus pipeline production data is unnecessary and outside the scope of the cost determinations in this proceeding. The issue raised by Amerada, the pricing of a pipeline's production from previously acquired leases is involved in Phase II of the Pipeline Production Area Rate Proceeding.² The application of area rates to historical pipeline production costs is an important policy decision which we feel should be deferred to that proceeding.

The Commission finds:

The motion for reconsideration filed herein by Amerada Hess Corp., et al., on September 17, 1971, presents no further facts or principles of law which were not fully considered by the Commission in its order of September 7, 1971, or which, having now been considered warrant any change or modification of that notice and order.

¹ Applications for rehearing may be filed regarding final orders of the Commission as defined in section 19(a) of the Natural Gas Act, 15 U.S.C. section 717f (1963) and § 1.30 of the Commission's rules of practice and procedure. Amerada's application is a motion for reconsideration under § 1.30(e) of those rules.

² Phase I of that proceeding, wherein area rates were applied to a pipeline's lease acquired after Oct. 9, 1969, is presently on appeal. "Pipeline Production Area Rate Proceeding," 42 FPC 738 (1969), appeal pending sub nom. "City of Chicago v. F.P.C.," CADC No. 23740.

The Commission orders:

The above motion for reconsideration should be denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.
[FR Doc. 71-15736 Filed 10-28-71; 8:49 am]

[Docket No. E-7667]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

OCTOBER 21, 1971.

Take notice that on September 24, 1971, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act and on October 4, 1971, an amendment thereto, by Black Hills Power and Light Co. (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming, and Montana, with its principal business office at Rapid City, S. Dak., seeking an order authorizing the issuance of 19,400 shares of its authorized and unissued cumulative preferred stock, par value \$100 per share. Applicant proposes to issue and sell the aforesaid cumulative preferred stock at a negotiated price of 100 percent of par and at a dividend rate of \$8.75 per annum. The aforesaid cumulative preferred stock will be sold by Applicant through its agent, Halsey, Stuart & Co. Inc. to four institutions, namely The Lincoln National Life Insurance Co., The Mutual Life Insurance Co. of New York, The Dominion Life Assurance Co. of Canada, and American Mutual Life Insurance Co.

The fee to be paid by Applicant to Halsey, Stuart & Co. Inc. for its services and expenses in securing purchasers for the cumulative preferred stock, negotiating the sale thereof, and the rates and provisions pertaining thereto, is the sum of \$19,400. The new shares of cumulative preferred stock cannot be redeemed out of proceeds from the issuance of securities at an interest or dividend rate lower than the dividend rate of the cumulative preferred stock for a period of 7 years. Applicant requests the sale of securities be exempted from the Commission's requirements regarding competitive bidding.

Applicant states that it proposes to use the proceeds from the issuance and sale of the cumulative preferred stock for the purpose of refunding its First Mortgage Bonds, Series A, 3½ percent dated September 1, 1941, in the amount of \$1.96 million. Applicant further states that it has been advised that the cumulative preferred stock will qualify as "Old Money Preferred" provided that it is sold and the proceeds used to replace the Series A Bonds as promptly as possible.

Any person desiring to be heard, or to make protest with reference to said application, should on or before the 3d day of November 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15737 Filed 10-28-71;8:49 am]

[Docket No. CP72-86]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

OCTOBER 21, 1971.

Take notice that on September 29, 1971, Eastern Shore Natural Gas Co. (applicant), 114 East Main Street, Salisbury, MD 21801, filed in Docket No. CP72-86 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon direct service to an existing industrial customer, along with the facilities used for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service proposed to be abandoned was authorized by Commission order of May 24, 1960 (23 FPC 734). Said order authorizes applicant to deliver 4,600 Mcf of natural gas per day directly to Stauffer Chemical Co. (Stauffer) for consumption at the latter's plant in Delaware City, Del. Pursuant to subsequent orders of the Commission, such deliveries have been increased to 7,050 Mcf per day.

Applicant states that, since December 11, 1970, notwithstanding the absence of contractual or regulatory authority, Stauffer has been reselling to Hoechst Polymer Co. (Hoechst) a portion of the gas (up to 240 Mcf per day) received by it from applicant. Applicant served notice on Stauffer on July 12, 1971, stating that the latter's deliveries of gas to Hoechst constitute a violation of the contract of April 29, 1960, between the parties and that such deliveries would result in termination thereof unless ceased within 30 days. Stauffer denied that applicant has grounds to terminate the contract and demanded that the latter continue the natural gas service thereunder. Applicant states that it is presently seeking a declaratory order from the Court of Chancery in Kent County, Del., finding that the contract has been terminated according to its provisions, and that a final order in such proceeding is expected within a few months.

Applicant states that the proposed abandonment of service will not render idle any of its pipeline facilities and that the gas now delivered to Stauffer

can be sold to other customers within its service area. The facilities proposed to be abandoned include a metering and regulating station and a sales lateral which were constructed at a cost of \$40,269.12 with funds contributed by Stauffer in aid of construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15738 Filed 10-28-71;8:49 am]

[Docket No. CI71-821 etc.]

MOBIL OIL CORP.

Notice of Extension of Time

OCTOBER 18, 1971.

On October 12, 1971, Mobil Oil Corp. filed a motion for an extension of time within which to file direct testimony and evidence in accordance with the order issued October 6, 1971, in the above-designated matter. The motion also requests that the hearing be postponed until November 30, 1971. The motion states that counsel for Phillips Petroleum Co. and El Paso Natural Gas Co. have no objection to the motion.

Upon consideration, notice is hereby given that the time is extended to and including November 2, 1971, within which Mobil Oil Corp. and the intervenor in support of Mobil Oil Corp. shall file

their direct testimony and evidence; the time is extended to and including November 16, 1971, within which all other parties shall file their testimony. The hearing is postponed to convene at 10 a.m., e.s.t., on November 30, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15739 Filed 10-28-71;8:49 am]

[Docket No. CP72-88]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

OCTOBER 21, 1971.

Take notice that on September 29, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-88 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) transportation and sale of 6,450 Mcf of 1,000 B.t.u. natural gas per day commencing on the date of initial delivery and continuing through September 30, 1973, (2) construction and operation of measurement and injection facilities necessary for the receipt of ethane and propane by applicant from Mobil Oil Corp. (Mobil), and (3) abandonment of such facilities upon expiration of the term of the aforesaid certificate, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to purchase from Mobil a liquid petroleum product consisting of approximately 90 percent ethane and 10 percent propane. This product will be delivered to applicant by Mobil at the point of intersection between the latter's 8-inch liquids pipeline from Hull to Mont Belvieu, Tex., and applicant's 30-inch main pipeline in Liberty County, Tex., at a price of 3.75 cents per gallon for ethane content and 5.50 cents per gallon for propane content. Applicant will measure said product and inject it into its pipeline for transportation and sale to existing customers.

Applicant proposes to provide increased daily demand quantities of natural gas to existing customers for the months of November through March of 1971-72 and 1972-73, in the amount of 6,450 additional Mcf per day, prorated on the basis of each customer's current contract demand. The shares of customers who do not wish such daily demand quantities will be offered, pro rata, to those who do, until all of said gas is purchased. Applicant states that, during the 1972 and 1973 summer off-peak seasons, the gas provided herein will augment its total supply and the increased volumes therefrom will be used to reduce curtailment.

Applicant estimates the cost of the proposed facilities to be \$72,000, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 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.71-15743 Filed 10-28-71; 8:49 am]

[Docket No. E-7670]

**ORANGE AND ROCKLAND
UTILITIES, INC.**

Notice of Application

OCTOBER 21, 1971.

Take notice that on October 8, 1971, Orange and Rockland Utilities, Inc. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term unsecured promissory notes and commercial paper notes, in the aggregate principal amount of not in excess of \$75 million of which said commercial notes would not exceed 25 percent of Applicant's current 12 months gross operating revenues.

Applicant is incorporated under the laws of the State of New York with its principal business office at Spring Valley, N.Y. and is engaged in the electric utility business in three counties in the State of New York.

The promissory notes are to be issued from time to time to commercial banks or similar institutions and the commercial paper notes are to be issued in the

open commercial paper market. All notes will mature within 1 year from their dates of issuance and in any event not later than March 31, 1973.

The proceeds from the issuance of the notes will be used to finance the Applicant's 1971-72 construction program which totals approximately \$44,110,600 for 1971 and \$46,687,600 for 1972. The principal electric projects are the construction of two 600 MW steamplants, Bowline Units Nos. 1 and 2, at Haverstraw, N.Y. (a joint venture with Consolidated Edison Co. of New York, Inc.), the construction of the portion of the interconnection of Pennsylvania, New Jersey, Maryland Power Pool (PJM) with the New York Power Pool (NYPP) that lies within our New York service area and construction of various substations and transmission lines for the improvement of the system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15740 Filed 10-28-71; 8:49 am]

[Project No. 2370]

PENNSYLVANIA ELECTRIC CO.

**Notice of Application for Approval of
Exhibit R (Recreational Use Plan)
for Constructed Project**

OCTOBER 20, 1971.

Public notice is hereby given that application for approval of an Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Pennsylvania Electric Co. (correspondence to: W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Co., 1001 Broad Street, Johnstown, PA 15907) as part of the license for the Deep Creek Project No. 2370, located on Deep Creek, a tributary of the Youghiogheny River, in Garrett County, Md., near the Village of Oakland.

According to the Exhibit R, public recreational development proposed by the company, involving about 100 acres, would include: (1) A 15-acre camping area with swimming adjacent to the spillway, for individuals and groups to be completed in 1973; (2) a 5-acre fishing area near the powerhouse proposed for improvement with respect to access

and parking to be completed in 1974; (3) a fishing-picnicking area, north of McHenry along Route 219, with a boat launching facility, to be completed in 1971; (4) a picnic area extending southeast from Deep Creek Bridge between Route 219 and the lake to be completed in 1971; (5) an area to be cleared in 1971 for fishing between Route 219 and the lake, opposite Cherry Creek Cove; (6) an area to be cleared for fishing in 1971 along Meadow Mountain Road adjacent to Cherry Creek Cove; (7) a 6-acre wildlife refuge along Meadow Mountain Run to be completed in 1973; (8) a fishing area between Glendale Bridge and the State Park to be completed in 1971; (9) a small camping area along North Glade Run to be completed in 1972; (10) a 10-acre wildlife area at the head of Green Glade Cove to be completed in 1972; (11) a boat launching ramp and parking area at a cove area in Turkey Neck Estates to be completed in 1972; and (12) a boat launching and picnicking area in a half-mile stretch between Pawn Run Inlet and the Peen Point Road to be completed in 1974.

Of the remaining land within the project boundary, 100 acres consists of small scattered parcels that are not scheduled for development and 30 acres that are unsuitable for lake access.

Recreation-related facilities to be constructed in the State's park area under its master plan include a golf course, a resort lodge and cabins, and additional shower buildings, comfort stations and parking areas. The State is presently constructing sewage and water facilities in the park area between Cherry Creek Cove and Meadow Mountain Run.

The company proposes to grant annual leases to owners of property abutting the project boundary for access to the lake and for docks, retaining walls and other such facilities. It is also proposed that annual leases be granted to owners of interior lots and the general public for constructing boat launching ramps, docks, piers and wharves (non-permanent) on selected lake-front sites not adjacent to privately owned structures. Owners of abutting motels and hotels are to be issued permits for the same facilities as homeowners.

The company proposes a coordinating council to be organized to advise on operation of Deep Creek Lake. The 13-member council would be composed of representatives of the various groups and agencies interested in use of the lake.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become party in any hearing therein must

file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-15741 Filed 10-28-71; 8:49 am]

[Docket No. RP71-118]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Filing of Settlement Agreement

OCTOBER 27, 1971.

Take notice that on October 26, 1971, Transcontinental Gas Pipe Line Corp. (Transco) filed a request for approval of an interim settlement agreement in the above-entitled proceeding with the presiding examiner in a public hearing held therein, and that said examiner has duly certified such agreement to the Commission for its consideration.

The interim settlement agreement, if approved, would resolve the issues involved in Docket No. RP71-118. Transcontinental filed concurrently with the agreement certain revised tariff sheets to become effective November 16, 1971. Such revised tariff sheets are to remain effective until November 15, 1972.

Transco proposes to announce a long-term curtailment plan on or before December 15, 1971, and will file such plan with any agreed-upon modifications no later than January 17, 1972. It is presently anticipated that its long-term curtailment plan will, on or about November 15, 1972, supersede the interim curtailment plan contained in the instant agreement.

Copies of the settlement agreement were served on all the parties to the proceeding in Docket No. RP71-118, all of Transco's jurisdictional customers, and all interested State commissions.

Comments with respect to the interim settlement agreement may be filed with the Commission on or before November 2, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-15807 Filed 10-28-71; 8:54 am]

[Docket No. CP72-72]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

OCTOBER 21, 1971.

Take notice that on September 22, 1971, United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, LA 71102, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP72-72 an application pursuant to

section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it has entered into a natural gas purchase contract with Humble Oil & Refining Co. (Humble) whereby Humble will deliver to Transco, for the account of United, an average daily volume of 30,000 Mcf of natural gas on a best efforts basis, from the Pecan Island Field, Vermilion Parish, La. Transco will redeliver equivalent volumes of natural gas to United at an interconnection between their respective pipeline systems in Victoria County, Tex.

The only new facilities necessary to effectuate said exchange will be constructed by Transco at an estimated cost of \$6,400, on its 24-inch Central Louisiana Lateral in the Pecan Island Field. Applicants state that the exchange of natural gas proposed herein will provide added flexibility of operation on their respective systems.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-15742 Filed 10-28-71; 8:49 am]

FEDERAL RESERVE SYSTEM FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on July 27, 1971.¹

The information reviewed at this meeting suggests that moderate expansion in real output of goods and services is continuing and that unemployment remains substantial. Wage rates in most sectors are continuing to rise at a rapid pace. The rate of advance in both consumer prices and wholesale prices of industrial commodities has stepped up again recently after moderating earlier in the year. In the second quarter inflows of consumer-type time and savings funds at banks and nonbank thrift institutions were large, but below the unusually rapid first-quarter pace. Growth in bank credit and the broadly defined money stock slowed in the second quarter, but the rate of expansion in the narrowly defined money stock increased. In July, according to partial data, it appears that both bank credit and the narrowly defined money stock are growing at rates close to those of the second quarter, but that expansion in broadly defined money is slowing. While interest rates on most types of long-term market securities have changed relatively little on balance in recent weeks, short-term interest rates have risen further. In mid-July Federal Reserve discount rates were increased by one-quarter of a percentage point to 5 percent. The deficit in the U.S. balance of payments remained extraordinarily large in the second quarter, mainly reflecting capital outflows related to expectations of shifts in foreign exchange rates and the development of a substantial deficit in the merchandise trade balance. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable economic growth, while encouraging an orderly reduction in the rate of inflation, moderation of short-term capital outflows, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, taking account of the current Treasury financing and of developments in capital markets, the Committee seeks to achieve more moderate growth in monetary aggregates over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with those objectives.

By order of the Federal Open Market Committee, October 20, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc. 71-15725 Filed 10-28-71; 8:48 am]

¹The Record of Policy Actions of the Committee for the meeting of July 27, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

BANK OF NEW YORK COMPANY, 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 The Bank of New York Co., Inc., which is a bank holding company located in New York, N.Y., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares of the successor by merger to Valley National Bank of Long Island, Valley Stream, N.Y.

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, October 22, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15723 Filed 10-28-71;8:48 am]

CARLTON AGENCY, INC.**Notice of Application for Approval of Acquisition of Shares of Bank**

Notice is hereby given that application has been made, pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Carlton Agency, Inc., Carlton, Minn., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the out-

standing voting shares (less directors' qualifying shares) of Carlton National Bank, Carlton, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, October 22, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15724 Filed 10-28-71;8:48 am]

FIDELITY AMERICAN BANKSHARES, 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 Fidelity American Bankshares, Inc., which is a bank holding company located in Lynchburg, Va., for prior approval by the Board of Governors of the acquisition by Applicant of 100 percent of the voting shares (less directors' qualifying shares) of Tidewater Bank and Trust Co., Williamsburg, Va., a proposed new bank.

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 Richmond.

Board of Governors of the Federal Reserve System, October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15726 Filed 10-28-71;8:48 am]

**FIRST NATIONAL BOSTON CORP.
Proposed Acquisition of Crompton-Richmond Co., Inc. Factors**

First National Boston Corp., Boston, Mass., a bank holding company, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire from Crompton-Richmond Co., Inc. Factors, New York, N.Y., 92 factoring contracts and approximately \$8 million in loans receivable. Notice of the application was published in the Boston Globe on September 2, 1971, in the New York Times on September 2, 1971, and in the Atlanta Constitution on September 4, 1971. The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

The proposed subsidiary would engage in the business of a factoring company. Such activity has been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application suggests the need to explore the question whether the public interest requires the imposition of limitations on the size of going-concern factoring companies that may be acquired by bank holding companies. It also raises the question of the extent to which, if any, a bank holding company

that engages in the factoring business should be permitted to expand that business through acquisition of a going concern.

The Board has decided to explore these questions at a hearing to be conducted by available members of the Board in the Board Room of its building at 20th Street and Constitution Avenue, Washington, D.C., on November 12, 1971. Interested persons are invited to participate, but they need not participate by presenting material orally at the hearing to have their views considered. All views expressed in written comments on the matter that are received before November 26, 1971, will be given consideration. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Besides assisting the Board in its determination of the pending application, the Board expects that the hearing will enable it to adopt simplified procedures for acquisition of factoring companies where the balance of the public interest factors the Board is required to consider will usually be favorable. It also expects that the hearing will enable it to indicate what types of proposed acquisitions will not be accepted and those that will be considered only if the applicant (a) agrees that certain activities will be discontinued promptly upon acquisition of the company involved or (b) demonstrates that the anticompetitive or other adverse effects of the proposed transaction are clearly outweighed in the public interest by greater convenience, gains in efficiency, or other benefits to the public.

Persons interested in participating in the hearing by representing material orally should inform the Secretary of the Board in writing not later than November 4, 1971. Each person admitted as a party to the proceeding will be given up to 30 minutes to present his views.

By order of the Board of Governors, October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15727 Filed 10-28-71;8:48 am]

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

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 First National City Corp., New York, N.Y., for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Citibank, N.A., Town of Islip, North Bay Shore, Suffolk County, New York (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of

receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 25, 1971 (36 F.R. 16715), 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, the second largest banking organization in New York, controls one bank with total domestic deposits of \$12.412 billion, representing 14.1 percent of the State's total deposits. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions through September 30, 1971.) Since Bank is a proposed new bank, consummation of the proposal will not increase deposit concentration in any market.

Bank, which will not be opened if the application is denied, would serve primarily the Babylon-Islip banking market. The closest banking office of applicant's bank, which is prohibited from branching into Suffolk County, is located 11.5 miles west of Bank in the adjoining Nassau County market and, there are many banking offices in the intervening area. Consummation of the proposed transaction would have neither adverse effects on existing or potential competition in any relevant area nor have adverse effects on any competing banks.

The financial and managerial resources and future prospects of applicant and Bank are satisfactory, and consistent with approval. Applicant proposes that Bank will provide the community with a full range of commercial banking services and offer somewhat lower rates on installment and mortgage loans than area banks presently offer. 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, On the basis of the record, that said application be and hereby is approved for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than 3 months after the date of this Order, and provided further that (c)

Citibank, N.A., Town of Islip, North Bay Shore, Suffolk County, N.Y., shall be open for business not later than 6 months after the date of this Order. The periods prescribed in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority; and

It is further ordered, That upon the consummation of the proposed transaction, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of such consummation, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one-bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisition.

By order of the Board of Governors,¹ October 21, 1971.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-15728 Filed 10-28-71;8:48 am]

TERREBONNE CORP.

Order Approving Action To Become Bank Holding Company

In the matter of the application of The Terrebonne Corp., Houma, La., for approval of action to become a bank holding company through acquisition of 100 percent of the voting shares of Terrebonne Bank and Trust Co., Houma, La., the successor by merger to Bank of Terrebonne and Trust Co., Houma, La.

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 The Terrebonne Corp., Houma, La., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of Terrebonne Bank and Trust Co., Houma, La., the successor by merger to Bank of Terrebonne and Trust Co., Houma, La. (Bank).

The bank into which Bank is to be merged has no significance except as a vehicle for the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated as a proposed acquisition of shares of Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt

¹ Voting for this action: Chairman Burns and Governors Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Robertson, Daane, and Sherrill.

of the application to the Louisiana State Bank Commissioner and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 31, 1971 (36 F.R. 17466), 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 newly organized corporation. Upon consummation of this proposal, applicant will control \$62.95 million in deposits, representing 1 percent of total commercial deposits in Louisiana. (Banking data are as of December 31, 1970, unless otherwise noted.)

Bank (\$62.95 million in deposits) operates in the Houma banking market and has eight offices located therein. It controls 26.7 percent (as of August 31, 1971) of the commercial deposits in the relevant market, which is approximated by Terrebonne Parish and the cities of Thibodaux and Raceland in Lafourche Parish. On the basis of deposits, Bank is the largest of seven banking organizations in that market.

Applicant was recently organized for the purpose of consummating this proposal and has no present operations or subsidiaries. Therefore, consummation of this proposal would eliminate neither existing, nor potential competition, nor does it appear that there would be any adverse effects on any bank in the market. Applicant's financial condition and future prospects are dependent on those of Bank. The financial and managerial resources and future prospects of Bank are satisfactory and consistent with approval of this application. Although consummation of the proposal would not have any immediate effects on the convenience and needs of the community, considerations related to these factors are consistent with approval. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved, for the reasons summarized above, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,
October 21, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.71-15729 Filed 10-28-71;8:48 am]

UNITED FINANCIAL CORP.

Formation of One-Bank Holding Company

United Financial Corp., Hutchinson, Kans., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a) (1)) of action whereby applicant would become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Hutchinson National Bank & Trust Co., Hutchinson, Kans.

The application may be inspected at the Federal Reserve Bank of Kansas City.

Section 3(c) of the Act requires that the Board consider 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.

Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 22, 1971.

Pursuant to § 222.3(b) of Regulation Y, this application shall be deemed to be approved on December 6, 1971, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, October 26, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.71-15796 Filed 10-28-71;8:53 am]

ZIONS UTAH BANCORPORATION

Proposed Retention of Arvada 1st Industrial Bank

Zions Utah Bancorporation, Salt Lake City, Utah, a bank holding company, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843 (a) (8)) and § 222.4(b) (2) of the Board's Regulation Y, for permission to retain voting shares of Arvada 1st Industrial Bank, Arvada, Colo. Notice of the application was published on September 16, 1971, in The Arvada Citizen Sentinel, a newspaper circulated in Arvada, Colo.

The subsidiary to be retained performs the activity of an industrial bank. Such

¹ Voting for this action: Chairman Burns and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

activity has been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 18, 1971.

Board of Governors of the Federal Reserve System, October 21, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.
[FR Doc.71-15730 Filed 10-28-71;8:48 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the National Commission on State Workmen's Compensation Laws at Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, DC, on December 13, 1971. The hearing will commence at 10 a.m. At the hearing, interested parties may make oral or written presentations of data, views, and arguments relating to the general question of whether State workmen's compensation laws provide an adequate, prompt, and equitable system of compensation, and to possible methods which might be used by, and sources of information available to, the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616).

Interested persons shall, not later than fifteen (15) days prior to the commence-

ment of the hearing, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of intention to appear which shall contain the following information:

1. Name and address of the person appearing.
2. The subject matter or matters to be discussed.
3. If such person is appearing in a representative capacity, the name and address of the persons or organizations he is representing.
4. The date and approximate length of time requested for his presentation.

Interested persons may also file written data, views, or arguments with the Commission at the above address.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 26th day of October 1971.

JOHN F. BURTON, JR.,
Chairman.

[FR Doc.71-15735 Filed 10-28-71; 8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2034]

CONTINENTAL BANK GROWTH FUND

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

OCTOBER 21, 1971.

Notice is hereby given that Continental Bank Growth Fund (Applicant), 231 South La Salle Street, Chicago, IL 60690, registered under the Investment Company Act of 1940 (Act) has filed an application for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On February 25, 1970 Applicant filed a notification of registration on Form N-8A pursuant to section 8(a) of the Act, a registration statement on Form N-8B-1 pursuant to section 8(b) of the Act and a registration statement on Form S-5 pursuant to the Securities Act of 1933. The

registration statement under the Securities Act of 1933 has never become effective.

Applicant abandoned its intended public offering of its units because of the decision of the U.S. Supreme Court in "Investment Company Institute v. Camp," 401 U.S. (1971), which held that the operation of a fund such as Applicant for the collective investment of funds held by a national bank as managing agent would be illegal under the certain provisions of the Federal banking laws. As a consequence of that decision, Applicant's managing board, by resolution dated July 31, 1971, terminated Applicant's existence.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than November 19, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15702 Filed 10-28-71; 8:45 am]

[File No. 1-4692]

FAS INTERNATIONAL, INC.

Order Suspending Trading

OCTOBER 22, 1971.

The common stock, 2 cents par value, and the 5 percent convertible subordi-

nated debentures due 1989 of FAS International, Inc. being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 24, 1971 through November 2, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15703 Filed 10-28-71; 8:46 am]

[811-2040]

FORTY FUND, INC.

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

OCTOBER 21, 1971.

Notice is hereby given that The Forty Fund, Inc. (Applicant), 1700 Broadway, Denver, CO, a Maryland corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on March 6, 1970, by filing both a notification of registration on Form N-8A and a registration statement on Form N-8B-1. A registration statement under the Securities Act of 1933 on Form S-5 was filed with the Commission on the same date and has not become effective. A request pursuant to Rule 477 under the Securities Act of 1933 to withdraw that registration statement is being filed concurrently herewith.

Applicant represents that it has never offered or sold any of its securities, and that it has never had, and does not presently have any assets or shareholders. Applicant further states that it has abandoned its plans to make a public offering of its securities and does not now intend to offer or sell to the public any of its securities.

Section 3(c)(1) of the Act excepts from the definition of investment com-

pany any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15704 Filed 10-28-71;8:46 am]

[70-5100]

JERSEY CENTRAL POWER & LIGHT CO. Notice of Proposed Issue and Sale of Short-Term Promissory Notes

OCTOBER 21, 1971.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the

declaration, which is summarized below, for a complete statement of the proposed transactions.

JCP&L proposes to issue and sell, from time to time prior to June 30, 1973, to a group of banks its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of such notes to be outstanding at any one time will not exceed \$66 million. JCP&L also proposes to surrender, upon the effectiveness of an order in this proceeding, the authority to issue short-term promissory notes granted to it by this Commission by order dated December 4, 1970 (Holding Company Act Release No. 16925).

Although no commitments or agreements for such borrowings have been made, JCP&L expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of 30 banks, consisting of four New York City banks (\$24,900,000 maximum to be borrowed) and 26 New Jersey banks (\$41,100,000 maximum to be borrowed).

JCP&L contemplates that the banks will require compensating balances equal to 10 percent of the lines of credit or 20 percent of amounts actually borrowed, whichever is higher, except for the First National Bank of South Jersey, Pleasantville, N.J., which presently requires 10 percent of the amount of the line of credit as a compensating balance. Assuming the current prime rate of 6 percent and that compensating balances will equal 20 percent of the aggregate borrowings (except for the amount of \$1,500,000 to be borrowed from the First National Bank of South Jersey), the effective rate of interest to be paid by JCP&L is 7.5 percent (6.7 percent for borrowings from the First National Bank of South Jersey).

JCP&L proposes to utilize the proceeds of the proposed borrowings for the purpose of financing its business as a public utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. The estimated cost of JCP&L's 1971 construction program is approximately \$140,900,000.

JCP&L estimates that its expenses incident to the proposed transactions will be approximately \$4,000, including counsel fees of \$3,750, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by JCP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than Novem-

ber 18, 1971, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered authority).

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority and any postponements thereof.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15705 Filed 10-28-71;8:46 am]

[File No. 1-6338]

LEISURE LIVING COMMUNITIES, INC. Order Suspending Trading

OCTOBER 22, 1971.

The common stock of Leisure Living Communities, Inc., being traded on the Philadelphia-Baltimore-Washington Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Leisure Living Communities, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 22, 1971 through November 1, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15706 Filed 10-28-71;8:46 am]

[812-2967]

LING FUND, INC.**Notice of and Order for Hearing on Application for Order of Exemption**

OCTOBER 21, 1971.

Notice is hereby given that Ling Fund, Inc. (Applicant), LTV Tower Mall, Dallas, Tex., a Texas corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting a proposed transaction from the provisions of section 12(d)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated on March 22, 1968, and maintains its principal offices at LTV Tower Mall, Dallas, Tex. From September 13, 1968, the date on which Applicant began active business operations, to February 2, 1971, the Investment Adviser and Principal Underwriter of Applicant was Ling & Co., Inc. (Ling & Co.), and the business of Applicant was managed by Ling & Co., subject to the supervision of Applicant's Board of Directors. On February 2, 1971, the Underwriting and Advisory Contracts between Applicant and Ling & Co. were terminated, and since that date the affairs of Applicant have been managed and controlled by its own officers and directors, none of whom are or were affiliated with Ling & Co.

All of Applicant's present officers, and all of its present directors other than one director who has not actively participated in managing Applicant's affairs since February 2, 1971, are engaged in occupations or professions unrelated to that of investing and reinvesting in securities. None of such persons had any experience, prior to his becoming associated with Applicant, in managing the affairs of a registered investment company.

On May 18, 1971, the officers of Applicant signed an agreement with respect to a transaction with Institutional Equity Corporation (IE), providing for the sale of substantially all of the assets of Applicant to IE in exchange for shares of IE common stock, the distribution of such shares of IE common stock to Applicant's shareholders and the subsequent dissolution of the corporate existence of Applicant.

Shares of Applicant are to be valued at a 50 percent premium based on the market price of IE and the net asset value of Applicant for the purpose of the exchange. Thus, IE will deliver to Applicant the nearest whole number of IE shares obtained by dividing 150 percent of the value of the net assets of Applicant by the market price of IE stock.

The aggregate value to the shareholders of Applicant of the proposed transaction with IE is uncertain, because of the fluctuation in market values of IE common stock which may occur after the "Valuation Date" provided for in the above-referenced Agreement.

IE is a Delaware corporation engaged in the general securities business, is a member of the New York and American Stock Exchanges, and its activities include those of acting as a broker, a dealer, and an underwriter of securities issued by others. Its common stock is traded in the over-the-counter market.

If a proposed transaction with IE is consummated, the shares of IE common stock acquired by Applicant will be held only for such period of time as may be administratively necessary to take the actions necessary to eliminate fractional share interests, to reissue such shares in the names of Applicant's shareholders, and to distribute such shares to such shareholders.

Section 12(d)(3), with exceptions not pertinent, prohibits a registered investment company from purchasing or otherwise acquiring any security issued by any person who is a broker, a dealer, or is engaged in the business of underwriting.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally exempt any person, security or transaction from any provision or provisions of the Act, or of any rule or regulation thereunder, 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.

Applicant represents that the exemptions requested for the proposed transaction with IE are appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that the exemptions requested are essentially technical in nature, since the acquisition by Applicant of the capital stock of IE is nominal only, and such shares will promptly be distributed as a part of the same series of transactions to the individual shareholders of Applicant.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 22d day of November 1971, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before the 18th day of November 1971, his application as provided by Rule 9(c) of the Commission's rules of practice, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the

address noted above, and proof of service (by affidavit or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Applicant's shareholders are fully protected against the risks of the brokerage business;

2. Whether the proposed exchange is fair and equitable to the shareholders of Applicant;

3. Whether the granting of the requested exemption and order under the Act is (a) necessary or appropriate in the public interest, (b) consistent with the protection of investors, and (c) consistent with the purposes fairly intended by the policy and provisions of the Act; and

4. If the requested exemption and order are granted, what conditions, if any, should be imposed in the public interest and for the protection of investors.

It is further order, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of such notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15707 Filed 10-28-71; 8:46 am]

[70-5102]

MASSACHUSETTS ELECTRIC CO.**Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding**

OCTOBER 21, 1971.

Notice is hereby given that Massachusetts Electric Co. (Mass Electric), 20 Turnpike Road, Westborough, MA 01581, an electric utility subsidiary company of

New England Electric System (NEES), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Mass Electric proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 150,000 shares of its Cumulative Preferred Stock — percent Series, par value \$100 per share. The dividend rate of the preferred stock (which will be a multiple of \$0.04) and the price, exclusive of accrued dividends, to be paid to Mass Electric (which will be not less than \$100 nor more than \$102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock will include a prohibition until December 1, 1976, against refunding the stock, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or from the issuance of other stock, which ranks prior to or on a parity with the preferred stock as to dividends or assets, at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be applied to the payment of then outstanding short-term notes (estimated at \$29 million) evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

The application states that the fees and expenses to be incurred by Mass Electric in connection with the preferred stock are estimated at \$60,000, including charges of \$30,000 for services of the system service company, at cost, and accountant's fees of \$4,000. The fees of counsel for the underwriters are to be paid by the successful bidders, and the amounts are to be supplied by amendment. Mass Electric has applied to the Massachusetts Department of Public Utilities for approval of the proposed issue and sale of the preferred stock and the use of the proceeds therefrom. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 19, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing)

upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-15708 Filed 10-28-71; 8:46 am]

[811-1581]

MONECO, INC.

Notice of Proposal To Terminate Registration

OCTOBER 21, 1971.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Moneco, Inc. (Moneco), c/o Jerome J. Donnellon, Esq., 7958 Dimmick Road, Cincinnati, OH 45241, formerly an Ohio corporation, registered under the Act as a management closed-end nondiversified investment company, has ceased to be an investment company.

Moneco registered under the Act on January 3, 1968. Information available to the Commission indicates that Moneco was informally dissolved by disenfranchisement at which time all assets were distributed to its sole stockholder. No securities were ever sold, other than in the transaction whereby the sole stockholder of Moneco acquired his shares. There are no undischarged liabilities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than November 18, 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 reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order

a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Moneco, Inc. 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 matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for a hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-15709 Filed 10-28-71; 8:46 am]

[54-345]

NEW ENGLAND ELECTRIC SYSTEM AND MASSACHUSETTS GAS SYSTEM

Notice of Filing of Plan to Effectuate Disposition of Utility Assets

OCTOBER 20, 1971.

Notice is hereby given that New England Electric System (NEES), 20 Turnpike Road, Westborough, MA 01581, a registered holding company, and its subsidiary holding company, Massachusetts Gas System (Mass Gas), have filed a Plan and amendments thereto (Plan) with this Commission pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 (Act) for the purpose of effectuating partial compliance with section 11(b)(1) and the Commission's order thereunder. NEES and Mass Gas have designated sections 9, 10, 11, and 12 of the Act and Rules 44 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the Plan, which is summarized below, for a complete statement of the proposed transactions.

The Plan provides for the sale of the capital stocks of four gas utility subsidiary companies. The capital stock of Northampton Gas Light Co. (Northampton) will be sold to Springfield Gas Light Co. (Springfield), a nonassociate gas utility company operating in Massachusetts. The capital stocks of Central Massachusetts Gas Co., Norwood Gas Co., and Wachusett Gas Co. will be sold to Eastern Gas and Fuel Associates (Eastern), a nonassociate exempt holding company, which through its subsidiary company, Boston Gas Co., distributes natural gas principally in Boston.

[70-5103]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

OCTOBER 21, 1971.

The capital stocks of the four subsidiary companies will be transferred by way of a distribution by Mass Gas to NEES, which will then transfer the Northampton shares to Springfield for a cash consideration of \$1,867,000, and the stock of the other three subsidiary companies to Eastern for a cash consideration of \$5,708,125. The prices will be subject to adjustment for any changes in their underlying book values of the capital stocks which may occur from December 31, 1970, to the end of the calendar month next preceding the closing. The stock of Northampton had a net book value of \$1,401,571 at June 30, 1971; the aggregate net book value of the other three subsidiary companies was \$4,350,443 as of the same date. NEES will invest the proceeds of the sale in one or more of its electric utility subsidiary companies.

It is represented that no fees or commissions will be paid by NEES in connection with this sale. New England Power Service Co., the service company of the NEES system, will provide certain services to NEES and Mass Gas at cost, which is estimated not to exceed \$3,750 for NEES and \$3,750 for Mass Gas.

NEES and Mass Gas state that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed sale, but that the Massachusetts Department of Public Utilities has jurisdiction over the acquisitions by Springfield and Eastern.

Notice is further given that any interested person may, not later than November 15, 1971, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the Plan which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 NEES 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 Plan, as filed or as it may be amended, may be approved 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.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15710 Filed 10-28-71;8:46 am]

Notice is hereby given that Pennsylvania Electric Co. (PENELEC), 1001 Broad Street, Johnstown, PA 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

PENELEC proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred Stock, — percent Series H, par value \$100 per share. The dividend rate of the preferred stock (which will be a multiple of one twenty-fifth of 1 percent) and the price, exclusive of accrued dividends, to be paid to PENELEC (which will be not less than \$100 nor more than \$102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until December 1, 1976, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower dividend cost.

The proceeds from the sale of the preferred stock will be applied to the repayment of \$19 million of short-term bank loans expected to be outstanding at the date of the sale and towards PENELEC's 1971 construction program estimated to cost \$78,900,000. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of PENELEC, including the payment of expenses of the financing.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$91,000, including legal fees of \$26,000 and accounting fees of \$5,200. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The filing further states that the issuance and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than November 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons

for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15711 Filed 10-28-71;8:46 am]

[81-100]

WASHINGTON MINERAL PRODUCTS, INC.

Notice of and Order for Hearing on Application for Exemption

OCTOBER 20, 1971.

Notice is hereby given that Washington Mineral Products, Inc. (applicant) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that, for reason that it has been substantially dormant since February, 1969, there exists no active trading market in its common stock, and is unable to bear the expense of registering under section 12(g) of the Exchange Act or filing timely reports as required by section 13, applicant should be granted an exemption from the provisions of section 12(g) of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding \$1 million and a class of equity security held of record after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any

issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Exchange 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 of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of the investors.

The applicant's application indicates:

1. That certified financial statements of applicant for the fiscal year ended June 30, 1970 reflect no sales income (rental and miscellaneous income totaled approximately \$10,000) and reported a net loss of \$709,959;

2. That the only current activity of applicant consists of attempts by management to secure private financing or to locate a company with which to effect a merger;

3. That there has never been an active trading market in its common stock;

4. That there were 13 transfers of applicant's common stock recorded in 1970 totalling 5,420 shares of which four transfers accounted for 3,100 shares and were instituted by one of the controlling persons of applicant to relatives without consideration;

5. That, to date of the 12(h) application, 150 shares of applicant's stock have been recorded as transferred in 1970.

All persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. and at the Seattle Regional Office, 900 Hoge Building, Seattle, Wash., for a more complete presentation.

It is ordered, Pursuant to section 12(h) of the Exchange Act of 1934, as amended, that a hearing on the application of Washington Mineral Products, Inc. for an exemption from the requirements of section 12(g) of the Exchange Act be held on November 30, 1971, at 10 a.m. at the offices of the Securities and Exchange Commission, 900 Hoge Building, Seattle, Wash. At such time the hearing room clerk will designate the room in which such hearing will be held. An officer will be designated later to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request, as provided by Rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Seattle Regional Office and the Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration at the hearing:

1. Whether the number of public investors and the amount of trading interests, actual or potential, in applicant's securities is sufficiently limited to justify the requested exemptions;

2. Whether the nature and extent of the activities of the applicant are such

as to justify the requested exemptions;

3. Whether adequate information is and will be available to potential investors concerning the financial affairs of the applicant;

4. Generally whether the requested exemption or some form of a conditional exemption in modified form would be consistent with the public interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Washington Mineral Products, Inc. and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.71-15712 Filed 10-28-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5283]

COALITION SMALL BUSINESS INVESTMENT COMPANY CORP.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Coalition Small Business Investment Company Corp. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Eugene S. Callender, 40 West 135th Street, New York, NY 10037, President, General Manager, and Director.

Manuel Diaz, Jr., 452 West 23d Street, New York, NY 10011, Vice President and Director.

Robert Egan, 288 West Fourth Street, New York, NY 10014, Secretary and Director.

Carlos H. Lugo-Urrutia, 1233 Virginia Avenue, Bronx, NY 10473, Treasurer and Director.

Thomas R. Wilcox, Dering Harbor, Shelter Island, N.Y. 11964, Director.

David B. Hertz, 225 East 74th Street, New York, NY 10021, Director.

Michael Nunez, 340 B 12th Street, Far Rockaway, NY 10455, Director.

Major O. R. Owens, 187 Prospect Place, Brooklyn, NY 11238, Director.

The applicant, a New York corporation, with its principal place of business

located at 55 Fifth Avenue, New York, NY 10003, will begin operations with \$150,000 of paid-in capital, consisting of 1,500 shares of common stock. All of the issued and outstanding stock will be owned by Coalition Venture Corp., with a place of business located at 55 Fifth Avenue, New York, NY 10003, a non-profit corporation affiliated with the New York Urban Coalition.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition, ownership, or maintenance of ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, N.Y.

Dated: October 12, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-15745 Filed 10-28-71;8:49 am]

[License No. 02/02-5283]

RUTGERS MINORITY INVESTMENT CO.

Notice of Approval of Application for Transfer of Control of Licensed Minority Enterprise Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 CFR Part 107, 33 F.R. 236), a notice of filing of an application for transfer of control of Rutgers Minority Investment Co., License No. 02/02-5283, 18 Washington Place, Newark, NJ 07102, was published in the FEDERAL REGISTER on September 11, 1971 (36 F.R. 18350).

Interested persons were given until September 27, 1971, to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Rutgers Minority Investment Co.

Dated: October 12, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-15746 Filed 10-28-71; 8:49 am]

[License No. 09/12-5156]

SOUTHERN CALIFORNIA MINORITY CAPITAL CORP.

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

On July 13, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 13070) stating that Southern California Minority Capital Corp. had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA Rules and Regulations Governing Small Business Investment Companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 23, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 09/12-5156 to Southern California Minority Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: October 12, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-15747 Filed 10-28-71; 8:50 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

OCTOBER 26, 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 128698 Sub 4, Erdner Bros., Inc., now assigned October 27, 1971, at Washington, D.C., postponed to November 10, 1971, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134915 Sub 2, Southwest Refrigerated Distributing, Inc., doing business as Refrigerated Distributing, assigned hearing November 15, 1971, at Jefferson City, Mo., postponed indefinitely.

MC-C 7567 Lawrence E. Troutman—Investi-

gation of Operations—now assigned Examiner Farmer, transferred to Joint Board 170 and Examiner, on December 6, 1971, in Room 147B, New Federal Building, 601 East 12th Street, Kansas City, MO.

MC 106884 Sub 18, Rogers Transfer, Inc., assigned hearing November 3, 1971, at New York, N.Y., is canceled.

MC 13123 Sub 60, Wilson Freight Co., now being assigned hearing December 1, 1971, in Room 651, U.S. Courthouse, Eighth and Broadway, Nashville, TN.

FFC-47, Pacific Intermountain Express Co.—Investigation of Operations—now assigned December 8, 1971, in Room 13216B, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC 114457 Sub 97, Dart Transit Co., now assigned December 6, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 108449 Sub 323, Indianhead Truck Line, Inc., now assigned December 15, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 108449 Sub 325, Indianhead Truck Line, Inc., now assigned December 13, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 109994 Sub 45, Sizer Trucking, Inc., now assigned December 9, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 117799 Sub 9, Best Way Frozen Express, Inc., now assigned December 8, 1971, in Room 525, New Federal Building, 316 North Robert Street, St. Paul, MN.

MC 119774 Sub 22, MC 119774 Sub 23, Mary Ellen Stidham, N. M. Stidham, Inez Mankins & James E. Mankins, Sr., doing business as Egel Trucking Co., now assigned November 29, 1971, in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX.

MC 106497 Sub 58, Parkhill Truck Co., now assigned December 2, 1971, in Room 1430, Federal Building, 1961 Stout Street, Denver, CO.

MC 124947 Sub 11, Machinery Transports, Inc., now assigned December 2, 1971, in Room 1430, Federal Building, 1961 Stout Street, Denver, CO.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15775 Filed 10-28-71; 8:52 am]

[No. 12530]

ASSIGNED CARS FOR BITUMINOUS COAL MINES

OCTOBER 8, 1971.

Notice is hereby given that on June 14, 1971, the Louisville and Nashville Railroad Co. tendered for filing a petition for leave to file a concurrently tendered petition for interpretation or modification of the outstanding orders in this proceeding, 80 I.C.C. 520 and 93 I.C.C. 701, and for relief from the requirements of Rule 22 of the Commission's general rules of practice (49 CFR § 1100.22) to avoid the necessity of serving copies of the petitions on all parties of record. Many of the carriers named respondents herein have merged, consolidated, or abandoned operations, and other parties have ceased to exist or have other addresses. In the circumstances, by order entered on October 8, 1971, the requirement of Rule 22 to the extent it requires service of every pleading upon all parties to proceedings was waived, solely for the purpose of permitting the filing of the petition for

leave to file and the accompanying petition for interpretation or modification.

This proceeding was instituted on the Commission's own motion, and it concerned "the reasonableness and propriety of the (then) present car-distribution rules * * *, in so far as they apply to privately owned coal cars and cars furnished for railroad fuel coal * * *." As a consequence, rules were prescribed which require that, during periods of car shortage, all cars are to be distributed to bituminous coal mines on a pro rata basis. The present petition for leave to file states that the language of the order herein, dated June 13, 1923, requiring each respondent to establish a regulation and practice "whereby all cars distributed by such respondent to such mines must be distributed on a pro rata basis", has prompted the contention that:

The order governs the distribution of railroad-owned and privately owned coal cars dedicated to coal unit-train service, even though coal unit trains were unknown at the time the order of June 13, 1923, was entered. It is with regard to the contention respecting coal unit trains that L & N seeks relief by the attached petition.

By the attached petition, L & N seeks a determination by the Commission that its order of June 13, 1923, does not apply to the distribution of railroad-owned or privately owned coal cars dedicated to coal unit-train service. As alternative relief, L & N seeks modification of such order so as to exempt from its operation railroad owned and privately owned coal cars dedicated to coal unit-train service.

Any person interested in the matter which is the subject of the petition in this proceeding, and who wishes to participate actively in any further proceedings herein, shall make known that fact by filing with the Status Branch, Office of Proceedings, of the Commission, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER, a statement of its position with respect to the merits of the petition, including arguments in support. An original and 15 copies of such statements should be filed with the Commission, and one copy should be served on the petitioner's attorneys: Messrs. Fred R. Birkholz and Joseph L. Lenihan, 908 West Broadway, Louisville, KY. The nature of any further proceedings, if any, will be determined after evaluation of those statements.

Notice of the filing of the petition is given by publication hereof in the FEDERAL REGISTER. Copies of future releases in this proceeding will be served only upon the petitioner and those responding to this notice.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15776 Filed 10-28-71; 8:52 am]

[No. 12530]

ASSIGNED CARS FOR BITUMINOUS COAL MINES

Present: Laurence K. Walrath, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon consideration of the record in this proceeding, including the report and order entered on June 13, 1923, 80 ICC 520; of a petition of the Louisville and Nashville Railroad Co., tendered on June 14, 1971, (1) for leave to file a petition for interpretation or modification of the said order, and (2) for relief from the service requirements of Rule 22 of the general rules of practice; of a petition of the Bureau of Enforcement, Interstate Commerce Commission, tendered on June 30, 1971, (1) for leave to file a reply to the said petition, and (2) for waiver of the requirements of Rule 22; and of the reply of the Louisville and Nashville to the latter petition, tendered on July 15, 1971; and

It appearing, that this proceeding was instituted over 50 years ago, and that many of the carriers then named respondents have merged, consolidated, or abandoned operations, and that other parties have ceased to exist or have other addresses;

And it further appearing, that, by granting the action sought to the extent indicated below, all parties will receive notice adequate to meet the requirements of due process, particularly section 553 of the Administrative Procedure Act and section 16(6) of the Interstate Commerce Act; and that this form of notice will, in addition, apprise persons other than those parties who appeared many years ago of the matters of current interest which may be placed in issue;

Wherefore, and for good cause:

It is ordered, That the requirement of the said Rule 22 requiring service of every pleading upon all parties to proceedings be, and it is hereby, waived in this proceeding solely to permit the filing of the petition for leave to file the concurrently tendered petition for interpretation and modification, and the petition for leave to file a tendered reply.

It is further ordered, That notice of this action shall be given by depositing a copy of this order and the attached notice in the Office of the Secretary of the Commission, and by publication of the attached notice in the FEDERAL REGISTER.

Dated at Washington, D.C., this 8th day of October, 1971.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15777 Filed 10-28-71;8:52 am]

[S.O. No. 1079; Amdt. 1]

C. S. GREENE AND CO., INC.

Authorization To Operate to Halifax, Nova Scotia, and Montreal, Quebec, Canada, and Other Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of October 1971.

Upon further consideration of Service Order No. 1079 (36 F.R. 19721), and good cause appearing therefor:

It is ordered, That pursuant to sections 1(16) and 420 of the Interstate Commerce Act, 49 U.S.C. 1(16) and 1020, Service Order No. 1079 be, and it is hereby, amended by extending the expiration date thereof from 11:59 p.m., October 20, 1971, to 11:59 p.m., November 20, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That copy of this amendment shall be served upon C. S. Greene and Co., Inc., and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15784 Filed 10-28-71;8:52 am]

[Service Order No. 1080]

NEW ENGLAND FORWARDING CO., INC.

Authorization To Operate Through Halifax, N.S., and Other Canadian Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of October, 1971.

It appearing, that New England Forwarding Co., Inc., is a freight forwarder authorized, under Permit Nos. FF-96 and FF-96 (Sub-No. 2), to operate as a freight forwarder of commodities generally, between points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, on the one hand, and, on the other, ports on the Atlantic and Gulf coasts of the United States, restricted to the transportation of export and import traffic consolidated for movement in containers, whether mounted on a wheeled chassis or not; that such Atlantic and some Gulf coast ports are effectively closed by a strike of the International Longshoremen's Association; that this labor disturbance has rendered it impossible for said freight forwarder to handle the traffic offered it so as promptly to serve the public; that this emergency condition affecting said freight forwarder is a matter beyond its control calling for immediate and interim relief; that the authorization granted herein is required to best promote service in the interest of the public and the commerce of the people; that notice and subject procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice; wherefore:

It is ordered, That pursuant to sections 1(16) and 420 of the Interstate Commerce Act, 49 U.S.C. 1(16) and 1020, New England Forwarding Co., Inc., be and it

is hereby, authorized to operate through Halifax, NS, Montreal, Quebec, St. John, NB, and any other east coast Canadian port, insofar as such movement is in the United States, in the forwarding of the commodities it otherwise is authorized to handle as a freight forwarder under the above described portion of Permit Nos. FF-96 and FF-96 (Sub-No. 2);

It is further ordered, That said freight forwarder be, and it is hereby, directed promptly to print and file with the Commission tariffs showing its rates and charges for the service authorized herein and otherwise to comply with the provisions of the Interstate Commerce Act;

It is further ordered, That this order be, and it is hereby, made effective at 12:01 a.m., October 16, 1971, and shall expire at 11:59 p.m., October 31, 1971, unless otherwise modified, changed or suspended, and

It is further ordered, That copies of this order shall be served upon said freight forwarder; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15786 Filed 10-28-71;8:53 am]

[Docket No. 35483]

INTERNATIONAL PAPER CO.

Notice of Filing Petition for Declaratory Order

OCTOBER 15, 1971.

Petitioner: International Paper Co. Petitioner's representative: George F. Galland, 1054 31st Street NW., Washington, DC 20007.

By petition filed September 9, 1971, International Paper Co. (hereinafter IP) prays that the Interstate Commerce Commission issue an order declaring that the terms of a contract dated June 27, 1968, between IP and the Delaware and Hudson Railroad Corp. (hereinafter DH) does not violate the Elkins Act (49 U.S.C. 41) or sections 2, 3, or 6(7) of the Interstate Commerce Act (49 U.S.C. Secs. 2, 3, 6(7)). The contract provides for the construction and maintenance of railroad tracks to provide service to and from IP's mill at Ticonderoga, N.Y. Under the agreement DH undertook to build and maintain at its own expense trackage from its main line to the IP mill at Ticonderoga. IP agreed to give DH, at no cost, an easement for the right-of-way. The easement would end if IP should no longer need rail service, in which event DH at its own expense was to remove the tracks from IP property. IP was given an option to buy the tracks at a price to be later negotiated within stated limits. Finally, DH agreed to provide switching service for inbound and outbound products and materials to and from the mill.

Pursuant to this agreement, IP states that DH has constructed approximately 18,000 feet of track. This single track branches upon entering IP property to permit delivery of inbound raw materials to one side of the mill and to permit shipment of the outbound movements from the other side. IP states that these tracks are not used by it for intra-mill movements. IP states that the Interstate Commerce Commission has cast doubt on the contract's legality by inaugurating an informal investigation of actions taken by DH to meet its contract obligations. IP asserts that the requested order would resolve the uncertainty created by the pending investigation. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-15780 Filed 10-28-71; 8:52 am]

[No. MC-84690 (Sub-Nos. 18, 20, 23)]

NORTHERN PACIFIC TRANSPORT CO.
Order Regarding Proposed
Discontinuance of Service

Present: Rupert L. Murphy, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that applicant holds Certificates No. MC-84690 (Sub-No. 18), No. MC-84690 (Sub-No. 20), and No. MC-84690 (Sub-No. 23), authorizing the transportation of passengers from and to the points and in the manner set forth in the appendix hereto;

It further appearing, that by request dated May 25, 1971, applicant asks that the said certificates be revoked for the reason that the operations conducted thereunder are no longer profitable;

It further appearing, that the said request for revocations properly may not be given consideration until such time as the affected members of the public have been given notice thereof and an opportunity to express their positions thereon; and good cause appearing therefor;

It is ordered, That within 30 days of the service date of this order, applicant shall submit to this Commission written proof that notice of the proposed discontinuance of service together with a facsimile of this order (a) has been posted for 7 consecutive days in any bus presently operated over the routes sought to be abandoned, and (b) has been published for 6 consecutive days in newspapers of general circulation in Bozeman, Butte, East Glacier Park, Gardiner, Garrison, Helena, Logan, Silver Gate, West Glacier, and West Yellowstone, Mont.

It is further ordered, That within 45 days of the service date of this order any person-in-interest may submit to

this Commission its written statement, verified under oath, as to why it believes that any or all of the above-specified certificates should not be revoked.

It is further ordered, That further consideration of this matter be, and it is hereby, deferred until expiration of the time period for filing of written statements.

It is further ordered, That notice of the request for revocation and of this order be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order be served upon the Montana Public Service Commission.

Dated at Washington, D.C., this 1st day of October, 1971.

By the Commission, Commissioner
Murphy.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX

[No. MC-84690 (Sub-No. 18)]

Regular Routes:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Butte, Mont., and Garrison, Mont., serving all intermediate and off-route points which are stations on the rail line of the Northern Pacific Railway Co.: From Butte over U.S. Highway 10S to Garrison, and return over the same route.

[No. MC-84690 (Sub-No. 20)]

Irregular Routes:

Passengers and their baggage, in round trip charter operations, restricted to tour parties of passengers entering Glacier National Park via the Great Northern Railway, in seasonal operations between April 1 and September 30 of each year, both inclusive, beginning and ending at the West Glacier and East Glacier, Mont., entrances of Glacier National Park, Mont., and extending to the West Yellowstone, Gardiner, and Silver Gate, Mont., entrances of Yellowstone National Park, Wyo.

[No. MC-84690 (Sub-No. 23)]

Regular Routes:

Passengers and their baggage, and express and newspapers in the same vehicle, with passengers, between Bozeman and Logan, Mont., serving no intermediate points; From Bozeman over Interstate Highway 90 to Logan, and return over the same route.

[FR Doc. 71-15781 Filed 10-28-71; 8:52 am]

[No. 14534]

PEORIA & PEKIN UNION RAILWAY CO.
Rates, Regulations, and Practices at
Peoria, Ill., and Near-by Points

OCTOBER 8, 1971.

Notice is hereby given that on May 20, 1971, the Peoria and Pekin Union Railway Co. tendered for filing a petition for leave to file a concurrently tendered petition for reconsideration and modification of the outstanding orders in this proceeding (reflected in the reports at 118 I.C.C. 127 and 115 I.C.C. 469).

By letter request dated August 27, 1971, petitioner has asked the Commission to waive the requirements of Rule 22 of the Commission's general rules of practice (49 CFR 1100.22) to avoid the necessity

of serving copies of the petitions on all parties of record. Many of the parties of record are deceased or are listed at addresses which no longer exist. The petitions, as explained more fully below, relate to charges between railroads serving Peoria and Pekin, Ill., and actual service was made upon representatives of those carriers. In the circumstances, by order entered on October 8, 1971, the requirement of Rule 22 requiring service of every pleading upon all parties to proceedings was waived, solely for the purpose of permitting the filing of the petition for leave to file the accompanying petition for reconsideration and modification.

In the petition for leave to file, petitioner alleges that: The orders entered almost 45 years ago relate to conditions as they existed at that time; that it was then specified that relief of the nature sought could be had at a later time under appropriate conditions; and that conditions now are clearly different.

In the petition for reconsideration and modification of the outstanding orders, petitioner alleges that the basis for the petition is the statement of the Commission in its report in this proceeding, 118 I.C.C. 127, 129, as follows:

We prescribed a division to the Union of \$3 per loaded car interchanged by it, "which covers the empty as well as the loaded movement." The Union asks in its petition that we modify our orders so as to permit it to make a charge of \$1.50 per empty car, where the loaded movement of such car was not over its line or the same is tendered to it more than 30 days after the loaded movement. Empty cars are generally handled free under the rules of the American Railway Association, and we do not believe that a separate charge on such cars handled by the Union would be justified at the present time. However, if empty cars should be routed over the Union, where it did not receive the loaded movement, in such numbers as to justify the Union in petitioning us for relief, we will again consider the question of permitting it to assess a charge on such cars.

Petitioner further alleges that it is a terminal railroad, providing intermediate service for the cars of other carriers. It is prohibited from making a charge for the handling of empty cars between truckline railroads, whereas, it contends, this type of charge is now a common practice in the Midwest, and consequently, the trunk railroads have an advantage in using petitioner to perform the interchange. In a study made during the first 7 months of 1970, 60 percent of the empty cars were shown to produce no revenue for petitioner as loaded cars. This is stated to be costly and burdensome. Petitioner requests authority to publish unspecified intermediate switching charges for handling empty cars. Such authority would place the petitioner on a parity with other switching carriers and would allow the publication of charges needed to offset the cost of handling empty cars. No request is made for the Commission to determine the lawfulness of any particular level of charges at this juncture. Any charges pursuant to the authority sought would be subject to normal investigation and suspension

procedures. A statement of charges applying to similar service at other points is included as an appendix to the petition.

The Chicago, Rock Island and Pacific Railroad Co., in its answer, opposes the relief sought in the principal petition, urging that it be denied or set for hearing.

Any person interested in the matter which is the subject of the petitions in this proceeding, and who wishes to participate actively in any further proceedings herein, shall make known that fact by filing with the Status Branch, Office of Proceedings, of the Commission, on or before 30 days from the date of publication of this notice in the FEDERAL REGISTER, a statement of its position with respect to the merits, including arguments in support. An original and 15 copies of such statements should be filed with the Commission, and one copy should be served on the petitioner's attorney: Mr. John H. Doering, 135 East 11th Place, Chicago, IL 60605. The nature of any further proceedings, if any, will be determined after evaluation of those statements.

Notice of the filing of the petitions is given by publication hereof in the FEDERAL REGISTER. Copies of future releases in this proceeding will be served only upon the petitioner and those responding to this notice.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-15778 Filed 10-28-71;8:52 am]

[No. 14534]

PEORIA & PEKIN UNION RAILWAY CO.
Rates, Regulations, and Practices at
Peoria, Ill., and Near-by Points

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-captioned proceeding, and of (1) a petition tendered for filing on May 20, 1971, by Peoria and Pekin Union Railway Co. for leave to file a concurrently tendered petition; (2) the accompanying petition for reconsideration and modification of the outstanding orders in this proceeding, as reflected by the reports at 118 I.C.C. 127 and 115 I.C.C. 469; (3) the letter request dated August 27, 1971, seeking waiver of the service requirements of Rule 22 of the Commission's general rules of practice 49 CFR 1100.22, requiring service of every pleading upon all parties to proceedings; and (4) the answer of Chicago, Rock Island and Pacific Railroad Company, filed September 23, 1971; and

It appearing, that the last action taken in this proceeding was in 1926; that numerous parties of record herein are deceased or are listed at addresses which no longer exist; that the petition for reconsideration and modification relates only to charges between railroads serving Peoria and Pekin, Ill.; and that pe-

tioner has made service upon the representatives of those carriers;

And it further appearing, that, by granting the action sought to the extent indicated below, all parties will receive notice adequate to meet the requirements of due process, particularly section 553 of the Administrative Procedure Act and section 16(6) of the Interstate Commerce Act; and that this form of notice will, in addition, apprise persons other than those parties who appeared many years ago of the matters of current interest which may be placed in issue;

Wherefore, and for good cause:

It is ordered, That the requirement of the said Rule 22, requiring service of every pleading upon all parties to proceedings be, and it is hereby, waived in this proceeding solely to permit the filing of the petition for leave to file the concurrently tendered petition for reconsideration and modification.

It is further ordered, That notice of this action and of the filing of the petition and answer shall be given by depositing a copy of this order and the attached Notice in the Office of the Secretary of the Commission, and by the publication of the attached Notice in the FEDERAL REGISTER.

Dated at Washington, D.C., this 8th day of October 1971.

By the Commission, Commissioner
Walrath.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-15779 Filed 10-28-71;8:52 am]

[Notice 384]

MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS

OCTOBER 21, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Sub-No. 148 TA), filed October 14, 1971. Applicant: THE

SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Post Office Box 56 (67201), Wichita, KS 67202. Applicant's representative: R. E. DeLand (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Woodward, Okla., serving the intermediate points located in Oklahoma, from Wichita over Kansas Highway 2 to its junction with Kansas Highways 2 and 14, thence over Kansas Highway 2 and Highway 14 to the Kansas-Oklahoma State line, thence over U.S. Highway 281 to its junction with Oklahoma Highway 15, thence over Oklahoma Highway 15 to Woodward, and return over the same route, for 180 days. Supported by: Applicant has support of 38 shippers, 13 located in Wichita, Kans.; 13 located in Woodward, Okla., eight located in Alva, Okla., three from Waynoka, Okla., and one located in Oklahoma City, Okla. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 59856 (Sub-No. 43 TA), filed October 14, 1971. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone Highway, Post Office Box 39, Casper, WY 82601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, between Hanna, Wyo., and Arch Minerals Corp., mine site, located approximately twelve (12) miles west of Hanna, Wyo., Rosebud Coal Co., mine site, located approximately three (3) miles northwest of Hanna, Wyo., and Energy Development Corp., located approximately five and one-half (5½) miles northwest of Hanna, Wyo., as off-route points in connection with carrier's regular route operations from and to Hanna, Wyo., for 180 days. NOTE: Applicant states it does intend to tack the authority in MC 59856 and related subs. Supporting shippers: Energy Development Co., Hanna, Wyo. 82327; Arch Mineral Corp., Hanna, Wyo. 82327; Rosebud Coal Co., Hanna, Wyo. 82327. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 106400 (Sub-No. 83 TA), (Correction), filed September 13, 1971, published FEDERAL REGISTER September 25, 1971, corrected and republished in part as corrected this issue. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Sugar Creek, MO 64054, Highway 10 Pleasant Valley, Mo. Applicant's representative: H. D. Holwick (same address as above). NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 83, in lieu of Sub-No.

82, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 107313 (Sub-No. 1 TA), filed October 14, 1971. Applicant: MARION LANGROCK, doing business as CITY DRAY AND TRANSFER, Lennox, S. Dak. 57039. Applicant's representative: Marion Langrock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags and in bulk, from Lennox, S. Dak., to points in Lyons, Osceola, and Woodbury Counties, Iowa; and Cottonwood, Lincoln, Lyon, Pipestone, Rock, and Yellow Medicine Counties, Minn., for 180 days. Supporting shipper: Cargill, Inc., Cargill Building, 110 South Seventh, Minneapolis, MN 55402, Harold L. Karr, General Truck Coordinator. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 117231 (Sub-No. 2 TA) (Correction), filed August 20, 1971, published FEDERAL REGISTER September 8, 1971, corrected and republished in part as corrected this issue. Applicant: G & B TRUCKING, INC., 607 West Water, Rushville, IN 46173. Applicant's representative: Walter Jones, Chamber of Commerce Building, Indianapolis, Ind. 46204. NOTE: The purpose of this republication is to set forth the correct territory description to read, from Fostoria, Ohio, to Rushville, Ind., in lieu of from Rushville, Ind., to Fostoria, Ohio, shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 124333 (Sub-No. 16 TA), filed October 14, 1971. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt*, in bulk, in tank vehicles, from Seaford, Del., to points in Delaware, Maryland, and Virginia, on the Delmarva Peninsula. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Emulasta Products of Delmarva, Inc., of Seaford, Del., for 180 days. Supporting shipper: Emulasta Products of Delmarva, Inc., Seaford, Del. 19973. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 128030 (Sub-No. 31 TA), filed October 14, 1971. Applicant: THE STOUT TRUCKING CO., INC., Rural Route No. 1, Post Office Box 177, Urbana, IL 61801. Applicant's representative: Robert C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Dampers, penthouses, screening grilles, and drapery products* as used in environmental systems, from the plantsite of Brandt Airflex Corp., Champaign, Ill., to all points in continental United States, *packing, crating, and unloading equipment* property of shipper on return, for 150 days. Supporting shipper: Paul L. Rector, Brandt-Airflex Corp., 3402 North Mattis Avenue, Champaign, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128247 (Sub-No. 17 TA) (Amendment), filed September 7, 1971, published FEDERAL REGISTER September 22, 1971, amended and republished as amended this issue. Applicant: BURSAL TRANSPORT, INC., Mailing: Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, from points in Thomas County, Ga., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, for 180 days. Supporting shipper: Oil-Dri Corp. of America, 520 Michigan Avenue, Chicago, IL. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802. NOTE: The purpose of this republication is to broaden the territory scope.

No. MC 128273 (Sub-No. 108 TA), filed October 14, 1971. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Lockport, La., to points in Arizona, California, Colorado, Nevada, Oregon, and Utah, for 180 days. Supporting shipper: Valentine Pulp & Paper Co., Division of Litton Industries, Post Office Box 280, Lockport, LA 70374. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128860 (Sub-No. 9 TA), filed October 14, 1971. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Malt beverages, advertising materials, premiums and malt beverage dispensing equipment*, when moving at the same time and in the same vehicle with malt beverages, from New York, N.Y., and Newark, N.J., to Wichita, Kans., for 180 days. Supporting shipper: Van Munching & Co., Inc., 51 West 51st Street, New York, NY 10019. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134599 (Sub-No. 32 TA), filed October 14, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Salt Lake City, UT 84110. Office: 265 West 27th South (84115). Applicant's representative: Acklie & Peterson, Post Office Box 60608, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, from City of Industry and Compton, Calif., to points in New York, New Jersey, Pennsylvania, Ohio, Connecticut, and Massachusetts, under continuous contract with Mattel, Inc., for 180 days. Supporting shipper: Mattel, Inc., General Offices, 5150 Rosecrans Avenue, Hawthorne, CA 90250 (Jones K. Christensen, Manager of Traffic). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135862 (Sub-No. 1 TA), filed October 14, 1971. Applicant: DONALD R. REED, doing business as D-J DISTRIBUTING, 17291 South Outlook Road, Oregon City, OR 97045. Applicant's representative: Donald R. Reed (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and particle board, plywood, any building material or related component*, between points in Washington and Oregon, and from points in Washington and Oregon on the one hand, to points in Nevada, Utah, Idaho, and California on the other, for 180 days. Supporting shipper: American International Forest Products, Inc., Post Office Box 4166, Portland, OR 97208. Send protests to: A. E. Odums, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

No. MC 135929 (Sub-No. 1 TA), filed October 14, 1971. Applicant: MATTHEWS BROS., INC., Andes Road, Post Office Box 107, Delhi, NY 13753. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk sawdust, shavings, and hogged scrap wood*, from furniture manufacture, at Walton, N.Y., to Thorold, Ont., Canada, for 180 days. Supporting shipper: Can-Am Sales Corp., Post Office Box 158, Skaneateles, NY 13152. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Op-

erations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 136079 TA, filed October 14, 1971. Applicant: INDUSTRIAL INDUSTRIES, INC., doing business as, INDUSTRIAL TRUCKING, 6 Southeast 80th Avenue, Portland, OR 97216. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, and irrigation system parts, accessories and attachments, and tools, devices and apparatus used in the installation and erection thereof, from the plantsite and warehouse facilities of Pierce Corp. at or near Eugene, Ore., to points in the United States, except Hawaii;* (2) *irrigation system parts, accessories and attachments, from Boise, Idaho to points in the United States, except Hawaii;* (3) *irrigation system gear boxes, from Durst, Wis., to points in the United States, except Hawaii; and (4) iron and steel, from Portland, Ore., and Seattle, Wash., to the plantsite and warehouse facilities of Pierce Corp., at or near Eugene, Ore., for 180 days. Supporting shipper: Pierce Corp., Post Office Box 528, Eugene, OR 97401. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.*

No. MC 136080 TA, filed October 14, 1971. Applicant: ELIZABETH S. LAFOE & BERNIE L. LAFOE, doing business as, E. S. LAFOE, Box No. 32, Monkton, VT 05469. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled nonalcoholic beverages, empty bottles, fiberboard containers, syrup, liquid sugar, vending machines, paper labels, wrap, caps, and materials and supplies used in the soft drink bottling industry, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, West Virginia, Virginia, Maryland, on the one hand, and, on the other, to Rutland, Montpelier, and Burlington, Vt., for 180 days. Supporting shipper: Louis E. Farrell Co., Inc., 405 Pine Street, Burlington, VT 05401. Send protests to: District Supervisor Martin P. Monaghan, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.*

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-15770 Filed 10-28-71; 8:51 am]

[Notice 385]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 22, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 39249 (Sub-No. 11 TA), filed October 14, 1971. Applicant: MARTY'S EXPRESS, INC., 2335 East Wheatheaf Lane, Philadelphia, PA 19137. Applicant's representative: Martin Marano, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, from the warehouse site of Gimbel Bros., in Philadelphia, Pa., to points in New Jersey and Delaware, restricted against the transportation of parcels or packages each weighing 50 pounds or less, for 150 days. Supporting shipper: Gimbel Bros., Eighth and Market Streets, Philadelphia, PA 19107. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.*

No. MC 52926 (Sub-No. 7 TA), filed October 15, 1971. Applicant: GREEN TRANSFER & STORAGE CO., a corporation, 2425 Northwest 23d Place, Portland, OR 97210. Applicant's representative: N. P. Trudeau (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, coils, bars, beams, plate, tubing, channel, angle, wire rope or strand, from the ports of Bellingham, Everett, Seattle, Tacoma, Longview, and Vancouver, Wash.; Portland and Astoria, Ore.; and San Francisco, Oakland, Long Beach, and San Diego, Calif., to Coos Bay, Grants Pass, Medford, Salem, Eugene, and Portland, Ore., Redding, Calif., and Seattle and Tacoma, Wash., for 180 days. Supporting shippers: Familian Northwest, Inc., 5010 Northeast Oregon Street, Portland, OR 97213; Oregon Metal Slitters, Inc., 2245 Northwest Suffolk Street, Portland, OR 97210; Farwest Steel Corp., Post Office Box 632, Eugene, OR 97401; Myers Sales Co., Inc., 3601 Northwest Yeon Avenue, Portland, OR 97210; Standard Steel Warehouse Co., Post*

Office Box 4224, Portland, OR 97208. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 82072 (Sub-No. 6 TA), filed October 15, 1971. Applicant: KELLER MOVING & STORAGE, INC., 2811 West Emaus Avenue, Allentown, PA 18103. Applicant's representative: Edward Keller, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, from Souderton, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 150 days. Supporting shipper: Knoll International, Water Street, Post Office Box 157, East Greenville, PA 18041. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.*

No. MC 95084 (Sub-No. 83 TA) (Correction), filed October 1, 1971, published FEDERAL REGISTER October 19, 1971, corrected and republished in part as corrected this issue.¹ Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, Iowa 52501.

No. MC 110479 (Sub-No. 26 TA), filed October 14, 1971. Applicant: HARPER TRUCK SERVICE, INC., 1266 North Eighth Street, Paducah, KY 42001. Applicant's representative: Dudley Harper (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Aluminum ladders, extrusions, carports, tubing, awning, patios, cots, and paneling; steel table tops and umbrellas; and foam pads; and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk and those requiring special equipment), between Benton, Ky., and Newbern, Tenn., from Benton west over Kentucky Highway 348 to its junction with the Purchase Parkway; thence over the Purchase Parkway to its junction with U.S. Highway 51 southwest of Fulton, Ky., and return over the same route. Restriction: Service at Newbern, Tenn., is restricted to the plantsite of Consolidated Aluminum Corp., for 180 days. NOTE: Applicant*

¹ NOTE: The purpose of this partial republication is to add the MC No. 95084 Sub-No. 83 TA, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

states it intends to tack with its existing authority and proposes to interline with other carriers at St. Louis, Mo., Evansville, Ind., and Louisville, Ky. Supporting shipper: Consolidated Aluminum Corp. Madison, Ill. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 114274 (Sub-No. 16 TA), filed October 14, 1971. Applicant: VITALIS TRUCK LINES, INC., Post Office Box 1703, 137 Northeast 48th Street Place 50313, Des Moines, IA 50603. Applicant's representative: William H. Towle, 127 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plant and warehouse sites of Campbell Soup Co. at Omaha, Nebr., to points in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Campbell Soup Co., Campbell Place, Camden, NJ 08101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114290 (Sub-No. 62 TA) (Correction), filed October 1, 1971, published FEDERAL REGISTER October 19, 1971, corrected and republished in part as corrected this issue.* Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101.

No. MC 116077 (Sub-No. 319 TA), filed October 14, 1971. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, 77001, Houston, TX 77023. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Kaiser Chemicals near Gramercy, La., to points in Mississippi, Texas, Georgia, Kansas, Alabama, and Tennessee, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Kaiser Chemicals, Division of Kaiser Aluminum & Chemical Corp. (Mr. R. L. Weber, traffic manager), 300 Lakeside Drive, Post Office Box 2099, Oakland, CA 94604. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 116133 (Sub-No. 7 TA), filed October 14, 1971. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, D.C. 20001. Applicant's representative: Robert

* NOTE: The purpose of this partial republication is to set forth the correct Sub-No. 62 TA, in lieu of Sub-No. 61 TA, shown erroneously in previous publication. The rest of the notice remains the same.

M. Sletaty, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, having an immediate prior or subsequent movement by air, between points in Clark, Fairfax, Spotsylvania, King George, Stafford, Prince William, Loudoun, Fauquier, and Rockingham Counties, Va.; and Montgomery, Carroll, Baltimore, Howard, Anne Arundel, Harford, Charles, St. Mary's, and Prince Georges, Md., on the one hand, and, on the other, Dulles International Airport at Chantilly, Va., Friendship International Airport, Anne Arundel County, Md., Washington National Airport, at Gravelly Point, Va., for 180 days. NOTE: Applicant states it does intend to tack with its existing authority. Supporting shippers: Dulles International Air Freight Corp., Post Office Box 17221, Washington, DC 20041; G. Cosimano, Customhouse Broker, Foreign Freight Forwarder, 3028 Bladensburg Road NE., Washington, DC; Sabena Belgian World Airlines, Post Office Box 8654, Baltimore, MD 21240.; Myers Ford Company, Elkton, Va.; Truck Enterprises Inc., Post Office Box 468, Route 33 at Interstate 81, Harrisonburg, VA 22801; Rockingham Sleepwear Corp., Route No. 1, Elkton, VA; Georator Corp., 9016 Prince William Street, Manassas, VA. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 117644 (Sub-No. 24 TA), filed October 14, 1971. Applicant: D & T TRUCKING CO., INC., 498 Northwest First Street, Post Office Box 2611, New Brighton, MN 55112. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, 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, from the plantsite and storage facilities of Armour & Co. at St. Paul and South St. Paul, Minn., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Armour Food Co., Chicago, Ill. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134022 (Sub-No. 5 TA) (Correction), filed September 7, 1971, published FEDERAL REGISTER September 22, 1971, corrected and republished as corrected this issue. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, Post Office Box 115, 4008 Schuster Drive, West Bend, IN 53095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Cheese, cheese food, and specialty items*, as sold by Hickory Farms Stores of Ohio, between Kaukauna and Teon of Vinland, Wis., and points in Illinois, Missouri, Texas, Kansas, Oklahoma, Louisiana, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, West Virginia, Virginia, Pennsylvania, Maryland, Arkansas, and New York, for 180 days. Supporting shipper: Kaukauna Dairy Co., Kaukauna, Wis. 54130 (Matthew C. Zima, traffic manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203. NOTE: The purpose of this republication is to add Arkansas and Virginia to the territorial scope.

No. MC 136081 TA, filed October 14, 1971. Applicant: HARRY E. MARVEL, doing business as H. MARVEL TRUCKING, 9705 Southwest Hall Boulevard, Tigard, OR 97223. Applicant's representative: Harry E. Marvel, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products; wood and wood products*, between points in Washington and Oregon, for 180 days. Supporting shippers: Dwyer Overseas Timber Products Co., 811 Southwest Sixth Avenue, Portland, OR 97204; Millington Lumber Co., Post Office Box 99, Bridal Veil, OR 97010. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15771 Filed 10-28-71;8:51 am]

[Notice 386]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 26, 1971.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No.-MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 134286 (Sub-No. 15 TA), filed October 15, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheet or slabs*, cellular or expanded, from Janesville, Wis., to Moorehead, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Amb, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 134286 (Sub-No. 15 TA), filed October 15, 1971. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities of Beefland International, Inc., at Council Bluffs, Iowa and Omaha, Nebr., to points in North Carolina, South Georgia, and Virginia, for 120 days. Supporting shipper: Beefland International, Inc., 2700 23rd Avenue, Council Bluffs, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, Omaha, Nebr. 68102.

No. MC 135071 (Sub-No. 2 TA), filed October 18, 1971. Applicant: RONALD M. STROLE AND BETTY L. STROLE, doing business as AA-1 MOVING & STORAGE, 18485 Iona Avenue (Post Office Box 189), Lemoore, CA 93245. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kings, Tulare, Fresno, Madera, and Kern Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of

such traffic, for 180 days. Supporting shippers: Asiatic Forwarders, Inc., a subsidiary of Domestic Air Express, Inc., 335 Valencia Street, San Francisco, CA 94103; Northwest Consolidators, Inc., Post Office Box 3583, Terminal Annex, Seattle, WA 98124; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, WA 98133. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135185 (Sub-No. 3 TA), filed October 18, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, and washing compounds; polishing and buffing compounds, disinfectants or deodorants, drugs and toilet preps, and insecticides, and other household and cleaning supplies*, from Lincoln, Ill., to the warehouse or facilities utilized by Lehn & Fink Products Co., at or near Seattle, Wash., Portland, Oreg., and Brisbane and Los Angeles, Calif., restricted to service under a continuing contract or contracts with Sterling Drug Co., and its subsidiaries, for 180 days. Supporting shipper: Lehn & Fink Products Co., Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, NJ 07645. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135663 (Sub-No. 3 TA), filed October 18, 1971. Applicant: A. J. MIES, INC., 2969 West 13th, Wichita, KS 67203. Applicant's representative: A. J. Mies (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay aggregate*, in bulk, in dump-type vehicles, from Marquette, Kans., to Fremont, Grand Island, Hastings, Kearney, and Omaha, Nebr., for 150 days. Supporting shipper: Buldex, Inc., Post Office Box 15, Ottawa, KS 66067. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136005 TA, filed October 15, 1971. Applicant: B & M CARRIERS LIMITED, Post Office Box 4040, Station E, Ottawa, ON, Canada. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from ports of entry on the United States-Canada border at or near Roosevelt, Ogdensburg, and Alexandria Bay, N.Y., to points in Clinton, Franklin, Hamilton, Herkimer, Jefferson, Lewis, and St. Lawrence Counties, N.Y., for 180 days. Supporting

shipper: R. W. Brinckman, traffic manager, eastern territory, registered I.C.C. practitioner, Morton Salt Co., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: District Supervisor Morris H. Gross, Bureau of Operations, Interstate Commerce Commission, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

No. MC 136084 TA, filed October 15, 1971. Applicant: BRUCE F. BEERS, doing business as BERRS TRUCKING CO., 23216 166th Southeast, Kent, WA 98031. Applicant's representative: Bruce Beers (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plates and angle iron*, from Rivergate Industrial Park, Oreg., to Seattle, Wash., for 180 days. Supporting shipper: Marine Power & Equipment Co., 1441 North Northlake Way, Seattle, WA 98103. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-15772 Filed 10-28-71; 8:51 am]

[Notice 771]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 26, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73234. (Correction) KENTUCKY MOVING AND STORAGE COMPANY, INCORPORATED—Transferree W. G. THALMANN, doing business as JONES TRUCK LINE—Transferor, published in the October 12, 1971, issue of the FEDERAL REGISTER on page 19950. Prior notice should have shown that KENTUCKY MOVING AND STORAGE COMPANY, INCORPORATED seeks temporary authority to lease a portion of the operating rights, in lieu of to lease the operating rights.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.71-15773 Filed 10-28-71; 8:51 am]

[Notice 86]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 22, 1971.

The following applications are governed by Special rule 1100.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966,

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

effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1936 (Sub-No. 36), filed September 28, 1971. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, PA 15224. Applicant's representative: John A. Vuono, 2310

Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, South Middleton Township, Cumberland County, Pa., as an off-route point in connection to and from Frederick and Baltimore, Md., and Philadelphia, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh or Harrisburg, Pa.

No. MC 1977 (Sub-No. 14), filed September 22, 1971. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe Street, Denver, CO 80216. Applicant's representative: Leslie R. Kehi, 420 Denver Club Building, Denver, Colo. 80202. 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, petroleum products in bulk, and commodities requiring the use of special equipment), between Denver, Colo., and Salt Lake City, Utah, (1) from Denver over Interstate Highway 25 to junction Colorado Highway 14, thence west over Colorado Highway 14 to junction U.S. Highway 287, thence north over U.S. Highway 287 to junction Interstate Highway 80, thence west over Interstate Highway 80 to Salt Lake City, and return over the same route; including the right to use highways generally paralleling the specified interstate highways where the designated interstate highways are not completed, and (2) from Denver west over Interstate Highway 70 to Green River, Utah, thence north over combined U.S. Highways 6 and 50 to junction U.S. Highway 89, thence north over U.S. Highway 89 to Provo, Utah, thence north over Interstate Highway 15 to Salt Lake City, and return over the same route; including the right to use highways generally paralleling the specified interstate highways where the designated interstate highways are not completed; and serving no intermediate points in connection with the routes described in (1) and (2) above. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 2202 (Sub-No. 399), filed September 27, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Monsanto Co. located in Marshall

County, Ala., as an off-route point in connection with applicant's regular route authority between Athens, Ala., and Gadsden, Ala. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 2202 (Sub-No. 400), filed September 27, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., located at or near Mt. Holly Springs, Pa., as an off-route point in connection with applicant's regular route authority between Philadelphia, Pa., and Lewistown, Pa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 2229 (Sub-No. 162) (correction), filed July 28, 1971, published in the FEDERAL REGISTER issue of September 2, 1971 and republished in part as corrected this issue. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 East Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as applicant). **NOTE:** The purpose of this partial republication is solely to reflect that applicant seeks authority over alternate routes for operating convenience only, in connection with its presently held regular route authority. The rest of the application remains as previously published.

No. MC 3379 (Sub-No. 52), filed September 15, 1971. Applicant: SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, OH 44301. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with applicant's otherwise authorized regular-route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 4405 (Sub-No. 487), filed September 24, 1971. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: (1) *Electrostatic precipitators and electrostatic precipitator parts*; (2) *steel siding, and roofing materials, and supplies* moving in connection therewith, from Warrenton, Mo., 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 St. Louis, Mo.

No. MC 8973 (Sub-No. 22), filed September 27, 1971. Applicant: METROPOLITAN TRUCKING, INC., 2424 15th 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: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products and materials*, used in the installation thereof, from the plantsite and warehouse facilities of The Celotex Corp., Charleston, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 9429 (Sub-No. 7), filed September 27, 1971. Applicant: PAUL V. ADAMS TRUCKING, INC., Route 109, Sanford, ME 04073. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the following intermediate and off-route points in connection with applicant's presently authorized authority under MC 9429, and MC 9429 Sub-Nos. 4, 5, and 6. **Intermediate points:** Kittery, York, Wells, Kennebunk, Arundel, Scarborough, Falmouth, Cumberland, Yarmouth, Freeport, Brunswick, West Bath, Woolwich, Wiscasset, Edgecomb, Newcastle, Demariscotta, Nobleboro, Waldoboro, Warren, Thomaston, Rockport, Camden, Lincolnville, Northport, Searsport, Stockton Springs, Prospect, Frankfort, Winterport, Hampden, Gray, New Gloucester, Greene, Leeds, Monmouth, Winthrop, Manchester, Vassalboro, China, Albion, Unity, Troy Dixmont, Newburg, Topsham, Bowdoin, Bowdoinham, Richmond, Randolph, Chelsea, Winslow, Benton, Clinton, Burnham, Pittsfield, Detroit, Palmyra, Newport, Plymouth, Etna, Carmel, Hermon, Poland, Mechanic

Falls, Oxford, and Norway, Maine; Saugus, Lynnfield, Danvers, Topsfield, Ipswich, Rowley, Newbury, Salisbury, Arlington, Winchester, Burlington, Lexington, Bedford, Billerica, Chelmsford, Dracut, Methuen, Merrimac, Amesbury, Stoneham, Reading, North Reading, Andover, Swampscott, Wenham, Hamilton, Seekonk, Swansea, Westport, Dartmouth, Brookline, Dedham, Westwood, Norwood, Walpole, Sharon, Foxboro, Wrentham, North Attleboro, Norfolk, and Plainville, Mass.; Seabrook, Hampton Falls, Hampton, North Hampton, and Rye, N.H.; West Warwick, Hopkinton, Coventry, West Greenwich, Richmond, Warren, Portsmouth, Bristol, Exeter, and Middletown, R.I.; and *off-route points:* Kennebunkport, Old Orchard Beach, Buxton, Hollis, Gorham, Cape Elizabeth, North Yarmouth, Arrowsic, South Thomaston, Owls Head, Orono, Veazie, Windham, Durham, Minot, Turner, Lisbon, Belgrade, Pownal, Sabattus, Webster, Wales, Pittston, Windsor, West Gardiner, Farmingdale, Sidney, Waterboro, Dayton, Oakland, Elliot, Acton, Lebanon, Shapleigh, Alfred, and Lyman, Maine; and New Castle, Greenland, Newington, Madbury, and Rollinsford, N.H. This application is accompanied with a motion to dismiss. **NOTE:** Applicant states intermediate cities on applicant's existing route authorizing service "at all intermediate points" are not questioned and therefore are not involved except insofar as off-route points in Maine and New Hampshire sought herein are partially or wholly within the commercial zones of authorized cities, which are Portsmouth, Somersworth, and Dover, N.H.; Biddeford, Saco, South Portland, Bath, Rockland, Belfast, Bangor, Auburn, Lewiston, Augusta, Waterville, Portland, and Brewer, Maine. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 11220 (Sub-No. 124), filed September 13, 1971. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38102. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of Monsanto Co., located in Marshall County, Ala., approximately 10 miles northeast of Guntersville, Ala., as an off-route point in connection with carrier's regular operations from and to Decatur and Birmingham, Ala. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Birmingham, Ala.

No. MC 13134 (Sub-No. 27), filed September 27, 1971. Applicant: GRANT

TRUCKING, INC., Post Office Box 256, Oak Hill, OH 45656. 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: *Kyanite ore*, from points in Prince Edward and Buckingham Counties, Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 17829 (Sub-No. 14), filed September 20, 1971. Applicant: DiSILVA TRANSPORTATION, INC., 42 Middlesex Avenue, Somerville, MA 02145. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, *equipment materials and supplies* used in the conduct of such business (except in bulk, in tank vehicles), from Marlboro, Mass., to Concord, N.H.; points in that part of Maine south of a line beginning at the Maine-New Hampshire State line, near Porter, Maine, and extending east along Maine Highway 25 through Cornish, North Limington, Standish, Gorham, and Portland, Maine, to the Atlantic Ocean, points in that part of Connecticut and Massachusetts west of a line beginning at New Haven, Conn., and extending north through Hamden, West Cheshire, Southington, Plainville, Farmington, and West Granby, Conn., and Westhampton, Shelburne and Colrain, Mass., to the Massachusetts-Vermont State line, and points in New York and New Jersey; returned or damaged shipments of the above-described commodities, from the above described destination points to Marlboro, Mass., under contract with Stop & Shop, Inc. **NOTE:** No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 20110 (Sub-No. 7), filed September 24, 1971. Applicant: MESSINGER TRUCKING & WAREHOUSE CORPORATION, 610 West 37th Street, New York, NY. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ironers, ranges, refrigerators, and washing machines*, from Newark, N.J., to points in Connecticut within 55 miles of Columbus Circle, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties and New York, N.Y.; (2) *refrigerators, washers, ironers, ranges, commercial units, and coolers*, between Newark, N.J., on the one hand, and on the other, points in New Jersey north of the line beginning at

Phillipsburg, N.J., and extending along New Jersey Highway S28 to junction New Jersey Highway S28, thence along New Jersey Highway S28 to New Brunswick, N.J., thence east of the line beginning at New Brunswick, N.J., and extending along New Jersey Highway 25 to Hightstown, N.J., thence north of the line beginning at Hightstown, N.J., and extending along New Jersey Highway 33 to Ocean Road, N.J., including points on the indicated portions of the highways specified; (3) *household appliances*, (a) between Newark, N.J., on the one hand, and, on the other, points in New Jersey and Connecticut; (b) between New Brunswick, Watchung, Audubon, Paramus, and Trenton, N.J., on the one hand, and, on the other, points in that part of New Jersey on and north of U.S. Highway 40; and (c) between Trumbull and Hartford, Conn., on the one hand, and, on the other, points in that part of Connecticut on and west of Connecticut Highway 32; (4) *radios, radio receiving sets, high fidelity and stereo receivers, components of high fidelity and stereo receivers, record players, tape recorders, radio-television record player combinations, radio-television combinations, and television sets*; from Newark, N.J., to points in New Jersey and Connecticut and points in Nassau, Suffolk, Westchester, Rockland, and Putnam Counties, and New York, N.Y., and (5) *used, returned, and refused shipments of the above specified commodities, from points in New Jersey and Connecticut and in Nassau, Suffolk, Westchester, Rockland, Putnam Counties, and New York, N.Y., to Newark, N.J., under contract with E. J. Korvette's, Inc., S. Klein Department Stores, Inc., and Gimbel Bros.* NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 20992 (Sub-No. 21), filed October 1, 1971. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Gary L. Bakke, 103 North Knowles Avenue, New Richmond, WI 54017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable harvesting and handling equipment, from Clear Lake, Wis., to points in: Wisconsin, Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, New Jersey, Delaware; and the return of materials, equipment, and supplies used in the manufacturing and distribution of these products from points in the above listed States to the Pixall Corp. plantsite at Clear Lake, Wis.*; (2) *Bulk milk tanks and dairy milking equipment, parts, and accessories, from Washington, Mo., to points in Wisconsin; (3) Bulk storage bins with supporting members and associated parts, items, and accessories from Hortonville, Wis., to points in Wisconsin, Minnesota, Montana, North Dakota, South Dakota, Iowa, Nebraska, Colorado, Kansas, Missouri, Illinois, Indiana, Ohio, Michigan, Pennsylvania, and New York; and the return of materials, equipment, and supplies used in the manufacturing*

and distribution of these products, from points in the above listed States to Hortonville, Wis.; and (4) *Barn and feed lot machinery and equipment from Boyceville, Wis., to points in Wisconsin, Minnesota, Illinois, Iowa, North Dakota, South Dakota; and the return of materials, equipment, and supplies used in the manufacturing and distribution of these products from points in the above listed States to Boyceville, Wis.* 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 Minneapolis, Minn., or Madison, Wis.

No. MC 24280 (Sub-No. 4), filed September 29, 1971. Applicant: R. A. LANGE AND R. B. LANGE, doing business as LANGE MOVING & STORAGE COMPANY, 615 West Dale, Muskegon, MI 49441. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and advertising and sales materials moving in conjunction therewith, from Muskegon, Mich., to points in that part of Muskegon County, Mich., on, south and east of a line beginning at Muskegon, Mich., and extending along Michigan Highway 46 to Muskegon County line, subject to restriction that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any 1 day.* NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 29849 (Sub-No. 3), filed September 24, 1971. Applicant: EXCHANGE FURNITURE FORWARDERS, INC., 42 Wilson Street, Brooklyn, NY 11211. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, (1) between Hoboken, N.J., on the one hand, and, on the other, points in that part of Connecticut, south and west of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 44 to Hartford, Conn., thence along U.S. Highway 5 to New Haven, Conn., including points on the indicated portions of the highways specified; (2) between Hoboken, N.J., on the one hand, and, on the other, points on U.S. Highway 9W between Newburgh, N.Y., and the New York-New Jersey State line, and those in New York east of the Hudson River, and south of a line begin-*

ning at Poughkeepsie, N.Y., and extending southeasterly through Scott Corners, N.Y., to the New York-Connecticut State line, including the points specified and those on Long Island, N.Y., on and west of New York Highway 112; and (3) from Hoboken, N.J., to Mount Vernon, New Rochelle, and Yonkers, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29910 (Sub-No. 106), filed September 28, 1971. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelly Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper electric cable and aluminum electric wire and cable, from the plantsites and warehouse facilities of General Cable Corp. located at Bonham, Tex., and Wilson Springs, Ark., to points in Indiana, Illinois, and Ohio.* NOTE: Applicant states it proposes to tack at points in Indiana, Illinois, and Ohio with presently held authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 30513 (Sub-No. 10), filed September 30, 1971. Applicant: NORTH STATE MOTOR LINES, INC., U.S. 301 By-Pass South, Rocky Mount, N.C. 27801. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards made from wood using wood chips, wood shavings or wood fiber, alone or in combination; with or without added binder; with surface unfinished or finished with decorative or protective materials and with or without accessories and supplies used in the installation and/or application thereof, from points in Nash County, N.C., to 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, Virginia, Vermont, West Virginia, and the District of Columbia, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities described in (1) above (except in bulk, in tank vehicles), from 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, Tennes-*

see, Virginia, Vermont, West Virginia, and the District of Columbia, to points in Nash County, N.C. **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 30837 (Sub-No. 446), filed September 20, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor truck seat cabs*, from Fort Wayne, Ind., to Moline, Ill. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 367) (clarification), filed August 20, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as clarified in this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street (Post Office Box 5000), Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Sabetha, Kans., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect applicant's correct corporate name as Kroblin Refrigerated Xpress, Inc., in lieu of Kroblin Transportation Systems as appeared in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 369), filed September 13, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unpackaged and packaged glass aquarium, aquarium accessories, supplies and equipment*, from Saginaw, Mich., to points in Colorado, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Tennessee, 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 30844 (Sub-No. 371), filed September 29, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704.

Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Luverne, Minn.; Denison, Fort Dodge, LeMars, and Mason City, Iowa; Dakota City and West Point, Nebr.; and Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 31600 (Sub-No. 654), filed September 20, 1971. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or poultry feed ingredients, dry*, in bulk, in tank vehicles, from points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, Wisconsin, Baldswinnville, N.Y., and from ports of entry at or near Alexandria Bay, Massena, Niagara Falls, and Ogdensburg, N.Y., on the international boundary line between the United States and Canada to Woburn, Mass. **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 Boston, Mass., or Washington, D.C.

No. MC 41404 (Sub-No. 104), filed September 15, 1971. Applicant: ARGOCOLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 39237. Applicant's representative: Thom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk or in liquid form in tank vehicles), from the plantsite and storage and warehouse facilities of Swift and Co. located in the East St. Louis, Ill., and St. Louis, Mo., commercial zone as defined by the Commission, to points in Carlisle, Hickman, Fulton, Calloway, Marshall, McCracken, Ballard, and Graves Counties in Ky. Restriction: Transportation restricted to traffic originating at the above-described plantsite

and storage and warehouse facilities and destined to points in the above-named counties. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 44735 (Sub-No. 5), filed September 10, 1971. Applicant: KISSICK TRUCK LINES, INC., Post Office Box 5687, Kansas City, MO 64102. Applicant's representative: Lowell L. Knipmeyer, 2804 Power & Light Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), from Alton, Ill., and Madison, Ill., 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 or St. Louis, Mo.

No. MC 52922 (Sub-No. 29), filed September 24, 1971. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfort Avenue, Baltimore, MD 21225. Applicant's representative: Spencer T. Money, 110 Park Lane Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in ocean carrier cargo containers, from South Fork, Pa., to Baltimore, Md. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 60470 (Sub-No. 20), filed September 27, 1971. Applicant: MOTOR-CAR TRANSPORT COMPANY, a corporation, 1280 Joslyn Avenue, Pontiac, MI 48055. Applicant's representative: Eugene E. Ewald, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from plantsites of General Motors Corp. in Linden, N.J., and Wilmington, Del., to Pontiac, Mich. **NOTE:** Applicant states it proposes to combine such authority with existing truckaway authority from Pontiac, Mich., for delivery of vehicles moving through Pontiac, Mich., to other destinations. Applicant further states it presently holds authority from Pontiac, Mich., in initial movements, in truckaway service to Lincoln, Nebr., and points in Alabama, Illinois, Georgia, Indiana, Iowa, Michigan, Missouri, Tennessee, Ohio, Wisconsin, Kentucky, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia, West Virginia and certain points in Pennsylvania. Applicant also holds authority in secondary movements,

in truckaway service, between points in Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, Kentucky, Lincoln, Nebr., and points in Michigan, not including Flint. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 61592 (Sub-No. 237) (correction), filed August 19, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as corrected this issue. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors and attachments and agricultural implements*, from points in St. Charles County, Mo., and St. Louis, Mo., to points in Missouri, Iowa, Illinois, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 239) (Correction), filed August 19, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Davenport, Iowa, to points in Wisconsin, Iowa, Missouri (except St. Louis), and Illinois (except points in that part of Illinois on and north of a line beginning at the Illinois-Missouri State line, and extending along U.S. Highway 40 via Collinsville, Ill., to junction Alternate U.S. Highway 40, thence along Alternate U.S. Highway 40 via Greenville, Smithboro, Mulberry Grove, Hagarstown, and Vandalia, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Casey, Ill., thence along unnumbered highway via Casey, and Martinsville, Ill., to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway (formerly U.S. Highway 40) near Marshall, Ill., thence along unnumbered highway via Marshall to junction U.S. Highway 40, and thence along U.S. Highway 40 to the Illinois-Indiana State line; and (2) *erection equipment, accessories, parts and attachments for erection equipment*, between Davenport, Iowa, and points in Wisconsin, Iowa, Missouri, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show

Iowa as a destination State in lieu of Louisiana in parts (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 245), filed September 27, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Axles, wheels, axle parts, hub and drum assemblies, wheel rims and related parts and accessories*, from Newton, Kans., to points in Wisconsin, Illinois, and Indiana, (2) *pallets and gondolas*, from Newton, Kans., to Chicago, Ill., and (3) *supplies and materials* used in the manufacture and distribution of commodities in (1) above from Chicago, Ill., and Ashburn, Ga., to Newton, Kans. 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 Wichita, Kans.

No. MC 61825 (Sub-No. 46), filed September 17, 1971. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, VA 24112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Roanoke Rapids, N.C., to points in the District of Columbia, Maryland, Virginia, New York, N.Y., and Newark, N.J., and points in New Jersey within 15 miles of Newark, N.J. 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 67646 (Sub-No. 67), filed August 20, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished in part as corrected this issue. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17011. NOTE: The purpose of this partial republication is to delete the phrase "under contract with PPG Industries, Inc." which was inadvertently inserted in the previous publication. The rest of the application remains as previously published.

No. MC 73688 (Sub-No. 49), filed September 24, 1971. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, Jr., 601 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, hydrants, gaskets, and*

accessories (except in bulk), from Holt, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* (except in bulk), used in the operation of a foundry, from points in the United States (except Alaska and Hawaii) to Holt, Ala. 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 Birmingham, Ala.

No. MC 73165 (Sub-No. 303), filed September 29, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing*, from the plantsite of the Tex-Tube Division, Detroit Steel Corp., Houston, Tex., to points in Alabama, Arkansas, Louisiana, Georgia, Florida, Kansas, Mississippi, Missouri, Oklahoma, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interest in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 73165 (Sub-No. 304), filed October 4, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment*, and (2) *parts, attachments, and accessories* used in connection therewith, between Alabaster and Pelham, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, 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 Birmingham, Ala.

No. MC 79135 (Sub-No. 50), filed September 20, 1971. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, NY 13346. Applicant's representative: Joseph F. McCue (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 or those requiring special equipment), between Hamilton, N.Y., and Oneonta, N.Y., from Hamilton over New York Highway 12B to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 166, thence over New York Highway 166 to junction New York Highway 28, thence over New York Highway 28 to junction New York Highway 7 and thence over New York Highway 7 to Oneonta and return over the same route, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 82101 (Sub-No. 11), filed September 23, 1971. Applicant: WESTWOOD CARTAGE, INC., 26 Everett Street, Westwood, MA 02090. Applicant's representative: Frank J. Wiener, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except in bulk tank vehicles), from Marlboro, Mass., to Concord, N.H., points in that part of Maine south of a line beginning at the Maine-New Hampshire State line, near Porter, Maine, and extending east along Maine Highway 25 through Cornish, North Limington, Standish, Gorham, and Portland, Maine, to the Atlantic Ocean, points in that part of Connecticut and Massachusetts west of a line beginning at New Haven, Conn., and extending north through Hamden, West Cheshire, Southington, Plainville, Farmington, and West Granby, Conn., and Westhampton, Shelburne, and Colrain, Mass., to the Massachusetts-Vermont State line, and points in New York and New Jersey, *returned or damaged shipments* of the above-described commodities, from the above-described destination points to Marlboro, Mass. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Stop & Shop, Inc. **NOTE:** Common control may be involved. Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 82492 (Sub-No. 60), filed September 23, 1971. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Kalamazoo, MI 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, MI 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except

hides and commodities in bulk), from Cherokee, Hartley, and Spencer, Iowa; Worthington, Minn.; Fremont and Schuyler, Nebr.; and Sioux Falls, S. Dak., to Covington and Louisville, Ky., and points in Indiana, Michigan, and Ohio, restricted to traffic originating at the above-named origins and destined to the named destination States. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 96098 (Sub-No. 55) (Amendment), filed August 5, 1971, published in the FEDERAL REGISTER issue of October 21, 1971, and republished in part, as amended, this issue. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonle Avenue, Jersey City, NJ 07306. **NOTE:** The sole purpose of this partial republication is to reflect the authority sought to transport *paper, materials and supplies used or useful in the manufacture and sale of paper*, in lieu of paper and paper products and materials, equipment, and supplies used or useful in the manufacture and sale of paper products, as originally shown. The rest of the application remains as previously published.

No. MC 99149 (Sub-No. 10), filed October 1, 1971. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Little Rock, AR 72201. Applicant's representative: Charles J. Lincoln, 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk or tank trucks, and those requiring special equipment), (1) between Hot Springs, and Mount Ida, Ark., from Hot Springs over U.S. Highway 270 to Mount Ida, Ark., and return over the same route, serving all intermediate points, and serving off route points of Brady Mountain Lodge, Crystal Springs, Mountain Harbor, Shangra-La, and Denby Point Lodge, all on Lake Ouachita, Ouachita National Forest; (2) between Hot Springs, Ark., and Ouachita Job Corps Conservation Center (Garland County) near Royal, Ark., from Hot Springs, Ark., over U.S. Highway 270 to the junction of Forest Road 93; thence over Forest Road 93 to Ouachita Job Corps Conservation Center near Royal, Ark., and return over the same route, serving all intermediate points; (3) between Pencil Bluff and DeQueen, Ark., from Pencil Bluff, Ark., over U.S. Highway 270 to the junction of U.S. Highway 71; thence to DeQueen, Ark., and return over the same route serving all intermediate points and the off route point of Vandervoort, Ark.;

(4) Between Kirby and DeQueen, Ark., from Kirby, Ark., over U.S. Highway 70 to DeQueen, Ark., and return over the same route, serving all intermediate points; (5) between Salem, Ark., and the

junction of Arkansas Highway 4 and U.S. Highway 70 from Salem, Ark., over Arkansas Highway 84 to the junction of Arkansas Highway 4; thence over Arkansas Highway 4 to the junction of U.S. Highway 70 and return over the same route, serving all intermediate points; (6) between Horatio and Ashdown, Ark., from Horatio, Ark., over Arkansas Highway 41 to the junction of Arkansas Highway 41 and Arkansas Highway 32; thence over Arkansas Highway 32 to Ashdown, Ark., and return over the same route, serving all intermediate points; (7) between Ashdown, Ark., and Texarkana, Ark.-Tex., from Ashdown, Ark., over U.S. Highway 71 to Texarkana, Ark.-Tex., and return over the same route, serving all intermediate points; (8) between Saratoga, Ark., and the junction of Arkansas Highway 73 and Arkansas Highway 4 from Saratoga, Ark., over Arkansas Highway 73 to the junction of Arkansas Highway 4 and return over the same route, serving all intermediate points; (9) between Nashville and Waterloo, Ark., from Nashville, Ark., over Arkansas Highway 24 to the junction of Arkansas Highway 19; thence over Arkansas Highway 19 to the junction of Arkansas Highway 76; thence over Arkansas Highway 76 to Waterloo, Ark., and return over the same route, serving all intermediate points;

(10) Between the junction of U.S. Highway 67 and Arkansas Highway 4 and Arkansas Highway 19, from the junction of U.S. Highway 67 and Arkansas Highway 4 to the junction of Arkansas Highway 4 and Arkansas State Highway 19 and return over the same route, serving all intermediate points; (11) between Blevins and Hope, Ark., from Blevins, Ark., over Arkansas Highway 29 to the junction of Arkansas Highway 32; thence over Arkansas Highway 32 to Hope, Ark., and return over the same route, serving all intermediate points; (12) between the junction of Arkansas Highway 29 and Arkansas Highway 332 to Prescott, Ark., from the junction of Arkansas Highway 29 and Arkansas Highway 332; thence over Arkansas Highway 332 to Prescott, Ark., and return over the same route, serving all intermediate points; (13) between Delight, Ark., and the junction of Arkansas Highway 8 and U.S. Highway 67, from Delight, Ark., over Arkansas Highway 26 to the junction of Arkansas Highway 182; thence over Arkansas Highway 182 to Okolona, Ark., thence over Arkansas Highway 51 to the junction of Arkansas Highway 51 and Arkansas Highway 8; thence to junction of Arkansas Highway 8 and U.S. Highway 67 and return over the same route, serving all intermediate points; (14) between Okolona, Ark., and the junction of Arkansas Highway 51 and Arkansas Highway 26, from Okolona, Ark., over Arkansas Highway 51 to the junction of Arkansas Highway 26 and return over the same route, serving all intermediate points;

(15) Between the junction of Arkansas Highway 76 and Arkansas Highway

19 to Magnolia, Ark., from the junction of Arkansas Highway 76 and Arkansas Highway 19 to the junction of Arkansas Highway 19 and U.S. Highway 82; thence over U.S. Highway 82 to Magnolia, Ark., and return over the same route, serving all intermediate points; (16) between Waldo, Ark., and Texarkana, Ark.-Tex., from Waldo, Ark., over U.S. Highway 82 to Texarkana, Ark.-Tex., and return over the same route, serving no intermediate points; and (17) between DeQueen and Lockesburg, Ark., from DeQueen, Ark., over U.S. Highway 71 to Lockesburg, Ark., and return over the same route, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Texarkana or Little Rock, Ark.

No. MC 100666 (Sub-No. 199), filed September 22, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves and fittings, compounds, joint sealer, bonding cement, primer, coating, thinner and accessories, and hand tools* used in the installation of such products (except commodities in bulk, in tank vehicles), from New Orleans and Slidell, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 102567 (Sub-No. 146), filed September 15, 1971. Applicant: EARL GIBBON TRANSPORT, 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: (1) *Ethylene* from Baton Rouge, La. to Bromet, Ark.; and Orangeburg, S.C., and (2) *liquid weed killing compounds*, in bulk, in tank vehicles, from Schriever, La. to points in Florida and Kingsville, Tex. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 102982 (Sub-No. 24), filed September 27, 1971. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, Akron, OH 44312. Applicant's representative: John P. McMahon, 100 East

Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used or useful in the manufacturing, packaging, transportation and distribution of cast iron products, from points in Illinois, Indiana, Iowa, Michigan, Maryland, Ohio, Pennsylvania, North Carolina, South Carolina, West Virginia, and Virginia to points in Burlington County, N.J., under contract with Griffin Pipe Products Co. **NOTE:** Applicant now holds common carrier authority under its No. MC 125533 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 669), filed September 16, 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 Grant County, Wis., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 103993 (Sub-No. 670), filed September 16, 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 Pulaski 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 Little Rock, Ark.

No. MC 103993 (Sub-No. 668), filed September 16, 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 Caldwell Parish, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 103993 (Sub-No. 671), filed September 23, 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 Thomson, Ga., 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 104896 (Sub-No. 37), filed September 20, 1971. Applicant: WOMEL-DORF, INC., Post Office Box 232, Lewistown, PA 17044. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products* from plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., to points in New York, New Jersey, Maryland, West Virginia, Delaware, Kentucky, North Carolina, Michigan, New Hampshire, Maine, Vermont, Connecticut, Virginia, Massachusetts, Rhode Island, Ohio, Indiana, Pennsylvania, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105269 (Sub-No. 50), filed September 17, 1971. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, MI 49005. Applicant's representative: John M. Veale, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill products, and paper mill materials and supplies*, between Battle Creek, Mich., and Buffalo, N.Y. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority at Battle Creek, Mich., and serve points in Illinois, Indiana, Ohio, and Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 105566 (Sub-No. 55) (Correction), filed August 12, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as corrected this issue. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caddy stands; clothes racks and/or driers; hand shopping carts; laundry carts and/or sorters; ironing tables, bed frames; wall mounted ironing tables in wood cabinets and/or fiberglass enclosures*, from Seymour,

Ind., to points in Arizona, California, Nevada, Washington, Oregon, Idaho, and Utah. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect wall mounted ironing tables in lieu of wall mounted iron tables as was erroneously shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 554), filed September 3, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in New York (except Buffalo, Latham, and Batavia, and Wayne, Niagara, and Otsego Counties), 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 and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Elkhart, Ind.

No. MC 106398 (Sub-No. 556), filed September 13, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Adams County, Colo., 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 and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Elkhart, Ind.

No. MC 106398 (Sub-No. 557), filed September 16, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Guilford County, N.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Greensboro, N.C.

No. MC 106398 (Sub-No. 560), filed September 30, 1971. Applicant: NATIONAL TRAILER CONVOY, INC.,

1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Caldwell Parish, La., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Shreveport, La.

No. MC 106644 (Sub-No. 126), filed September 13, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, Northwest (Post Office Box 916), Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts, implements, attachments, accessories and supplies*, from New Orleans, La., to points in Louisiana, Mississippi, Tennessee, Alabama, Arkansas (south of Interstate Highway 40, U.S. Highway 64 and U.S. Highway 70), Kentucky (west of Interstate Highway 75 and U.S. Highway 25) and Illinois (south of U.S. Highway 36). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority pending under MC 104724 Sub 13. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106644 (Sub-No. 127), filed September 13, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, Northwest (Post Office Box 916), Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical, hydraulic, and mechanical antipollution systems and parts thereof* (except as are used in automobiles), from Essex, Mass., to points in the United States (excluding Alaska and Hawaii), restricted to traffic originating at the plantsite of R. F. Cox Associates, Inc., in Essex, Mass. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has pending under MC 104724 (Sub-No. 13) contract carrier authority. Dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 128), filed September 13, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, Northwest (Post Office Box 916), Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Drawer 80806, Lincoln, NE 68501. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Bituminous fibre pipe conduit and fittings, attachments and accessories*, from Jefferson County, Ala., to points in Florida, Georgia, South Carolina, New Jersey, Virginia, West Virginia, Illinois, North Carolina, Mississippi, Tennessee, Kentucky, Ohio, and Indiana. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has pending contract carrier authority under MC 104724 (Sub-No. 12). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 81), filed September 13, 1971. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 451, Delphi, IN 46923. 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: (1) *Fenceposts*, from the plantsite of Calumet Steel, Division of Borg-Warner, Chicago Heights, Ill., to points in Indiana and Ohio, and (2) *wood, plastic, and metal pallets, skids, and wooden packaging items*, from the plantsite of Chesterfield Lumber Co., Chesterfield, Ind., to points in Pennsylvania, Ohio, Kentucky, Missouri, Iowa, Wisconsin, Michigan, and Illinois. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106920 (Sub-No. 40) filed September 20, 1971. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Chelsea, Mich., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, 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 Detroit, Mich., or Washington, D.C.

No. MC 107012 (Sub-No. 128), filed September 30, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., New Haven Avenue and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dallas, Tex., to points in Oklahoma and Louisiana. **NOTE:** Appli-

cant states it intends to tack at Oklahoma City, Vinita, and Beckham County, Okla., and Monroe, La., with authorities in its Subs-90 and -92. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107107 (Sub-No. 412), filed September 2, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa-Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and related advertising and promotional material* when moving with such candy and confectionery, from points in Ohio to Atlanta, Ga., and points in Paulding, Cobb, Fulton, Gwinnett, De Kalb, Rockdale, Henry, Clayton, Fayette, and Douglas Counties, Ga., and points in Florida. **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 Cincinnati, Ohio, or Washington, D.C.

No. MC 107295 (Sub-No. 555), filed September 24, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components, and panels and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, 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 Houston, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 556), filed September 24, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of com-

modities in (1) and (2) above; and (4) *metal prefabricated structural components, and panels, and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Engineered Components, Inc., at Stafford, Tex., 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 Houston, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 557), filed October 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down or in sections*, (2) *steel and aluminum framing parts and accessories therefor*, and (3) *panels, iron or steel, with or without gypsum board attached and accessories thereto*, from St. Louis, Mo., to points in the United States (except Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority and serve points in the United States (except Alaska, Hawaii, Arizona, Oregon, Missouri, California, and Washington). Duplicate authority to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 558), filed October 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pollution control equipment and accessories*, from Roanoke, Ill., to points in the United States. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 559), filed October 4, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material and accessories and supplies*, used in the installation thereof, from Moncure, N.C., to points in Mississippi and Minnesota. **NOTE:** Applicant states that the requested authority could be tacked with its Sub 114 at Cloquet, Minn.; Sub 115 at Bemidji and Duluth, Minn.; Subs 108 and 123 at Meridian, Miss. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 560), filed October 4, 1971. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe conduit and metal shapes and forms*, from Harvey, Ill., and Blue Island, Ill., to points in Alabama, Florida, Georgia, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, and Virginia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 561), filed October 6, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies*, from Holt, Ala., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Person 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 Atlanta, Ga., or Washington, D.C.

No. MC 107295 (Sub-No. 562), filed October 7, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies* (except commodities in bulk), *plywood, particleboard, and composition board*, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Coles and Edgar Counties, Ill. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.; Atlanta, Ga.; or Washington, D.C.

No. MC 107515 (Sub-No. 779), filed September 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* except in bulk, in vehicles equipped with mechanical refrigeration, from Indianapolis, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, Tennessee, Virginia, 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 that can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107558 (Sub-No. 13), filed September 29, 1971. Applicant: ARROW TRANSPORTATION CO., INC., 485 Prospect Street, Pawtucket, RI 02860. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Kingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and materials, supplies and equipment* used in the sale and distribution thereof, between Lakewood, N.J., on the one hand, and, on the other, Providence and East Providence, 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 107818 (Sub-No. 58), filed September 29, 1971. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue (Post Office Box 608), Pompano Beach, FL 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities of Kitchens of Sara Lee, at Chicago and Deerfield, Ill., to points in Florida and North 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 Chicago, Ill.

No. MC 108449 (Sub-No. 332), filed September 20, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: 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: *Silica sand and silica flour*, from points in Washington County, Minn., to points in Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. 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 109462 (Sub-No. 15), filed September 9, 1971. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181 South Station, Fort Smith, AR 72901. Applicant's representative: Robert G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Benton, Crawford, and Washington Counties, Ark., and points in Adair and Delaware Counties, Okla., to points in Louisiana, Mississippi, and points in Texas (west of U.S. Highway 281); and (2) from points in Crawford County, Ark., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Tennessee, Arizona, 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 Fort Smith or Little Rock, Ark.

No. MC 109478 (Sub-No. 120), filed September 21, 1971. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; Luverne, Minn., and Emporia, Kans., to ports on entry of the international boundary line between the United States and Canada located in Michigan and New York restricted to traffic originating at the plantsites of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins and restricted to shipments moving in foreign commerce. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or New York, N.Y.

No. MC 109564 (Sub-No. 42), filed October 20, 1971. Applicant: LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, PA 16512. 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 regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and those requiring special equipment), between Pittsburgh, Pa., and Columbus, Ohio, from Pittsburgh over U.S. Highway 19 to junction Interstate Highway 70 near Washington, Pa., thence via Interstate Highway 70 to Columbus and return over the same route, as an alternate route for operating convenience only, in connection with applicant's presently held regular authority, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio; Pittsburgh, Pa., or Washington, D.C.

No. MC 110479 (Sub-No. 25), filed September 27, 1971. Applicant: HARPER TRUCK SERVICE, INC., 1230 North Eighth Street, Paducah, KY 42002. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over 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), (1) between Benton, Ky., and Dyersburg, Tenn., from Benton west over Kentucky Highway 348 to its junction with the Purchase Parkway, thence over the Purchase Parkway to its junction with U.S. Highway 51 southwest of Fulton, Ky., thence over U.S. Highway 51 to Dyersburg, Tenn., and return over the same route, serving Newbern, Tenn., as an intermediate point; and (2) between St. Louis, Mo., and Dyersburg, Tenn., from St. Louis over Interstate Highway 55 to its junction with Interstate Highway 155 south of Hayti, Mo., thence over Interstate Highway 155 to its junction with U.S. Highway 51, approximately 3 miles north of Dyersburg, Tenn., thence over U.S. Highway 51 to Dyersburg and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111231 (Sub-No. 175), filed September 7, 1971. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron or steel, and iron or steel articles* between Newport, Ark., on the one hand, and, on the other, points in Kansas, Missouri, Illinois, Indiana, Alabama, Kentucky, Tennessee, Arkansas, Oklahoma, Texas, Louisiana, and Mississippi, and (b) *materials, equipment, and supplies* used in the manufacture, sale and distribution of iron or steel, and iron or steel articles, from points in Kansas, Missouri, Illinois, Indiana, Alabama, Kentucky, Ten-

nessee, Arkansas, Oklahoma, Texas, Louisiana, and Mississippi, to Newport, Ark.; (2) *fence posts, poles and lumber*, treated or untreated, from points in Yell County, Ark., to points in Minnesota, South Dakota, Wisconsin, Nebraska, Iowa, Illinois, Indiana, Kansas, Missouri, Oklahoma, Arkansas, Tennessee, Kentucky, and Mississippi; and (3) (a) *foodstuffs, and animal feed*, from Alma, Van Buren, Siloam Springs, and the plantsite of Allen Canning Co. located 8 miles northeast of Siloam Springs, Ark., and Kansas and Proctor, Okla., to points in the United States (except Alaska and Hawaii), and (b) *materials, equipment, and supplies* used in the manufacturing and distribution of foodstuffs, from points in the United States (except Alaska and Hawaii), to Alma, Van Buren, Siloam Springs, and the plantsite of Allen Canning Co. located 8 miles northeast of Siloam Springs, Ark., and Kansas and Proctor, Okla., restricted to shipments destined to plantsite and warehouse facilities of Allen Canning Co. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority 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 St. Louis, Mo., or Little Rock, Ark.

No. MC 111785 (Sub-No. 51), filed September 20, 1971. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Leather, hide offal, and tanning materials and supplies*, between points in Pocahontas County, W. Va., on the one hand, and, on the other, Curwensville and Ridgway, Pa., and (2) *construction equipment, materials and supplies*, between points in Pocahontas County, W. Va., on the one hand, and, on the other, points in Bath and Highland Counties, Va. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 111812 (Sub-No. 440), filed September 22, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald S. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned blueberries*, from the plantsite of A. L. Stewart at South Paris, Maine, to Hamilton and Toledo, Ohio; Buffalo, N.Y.; Omaha, Nebr.; and Lodi, Calif. **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 or Augusta, Maine.

No. MC 111812 (Sub-No. 441), filed September 22, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chewing gum, antacid mints, cough drops and related items*, from New York, N.Y., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Sioux Falls, S. Dak., with Sub 200 to perform a service to Arizona which is not sought herein. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 111812 (Sub-No. 442), filed September 27, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and related items*, from Lititz and Reading, Pa., to points in California, Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, Oregon, Washington, and Wisconsin. **NOTE:** Common control may be involved. Applicant states that Sub 13 could be joined at Ocheydan, Iowa to Sioux Falls, S. Dak., thence Sub 200 to provide a through service to Salt Lake City, Utah and Arizona, however, this is not intended. If a hearing is deemed necessary, applicant requests it be held at Lancaster, Philadelphia, or Reading, Pa.

No. MC 111812 (Sub-No. 443), filed September 27, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour, flour mixes, frosting mixes, and icing mixes*, from Chelsea, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **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 has no preference.

No. MC 111812 (Sub-No. 444), filed September 27, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chewing gum and related items*, from Duryea, Pa., to points in Arizona, California, Colorado, Nevada, 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 Scranton or Philadelphia, Pa.

No. MC 111812 (Sub-No. 445), filed September 27, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Marion, N.Y., to points in Illinois, Indiana, Michigan, and Wisconsin. **NOTE:** Common control may be involved. Applicant states tacking is not intended, however, it would be possible to tack with Subs 368 and 391 at Illinois and Wisconsin to provide a through service on meats and frozen foods. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., or Syracuse, N.Y.

No. MC 111812 (Sub-No. 446), filed September 30, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Marshall D. Becker, 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: *Pneumatic tires and tubes*, from Indiana and Leetsdale, Pa., to Sioux City, Iowa, and Sioux Falls, S. Dak. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, however, it could join its Subs 11 and 13 at Sioux Falls, S. Dak., to perform a through service to points in Iowa and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 111812 (Sub-No. 447), filed October 5, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related*

items, from New Brunswick and Bloomfield, N.J., to points in California, Illinois, Michigan, Minnesota, Oregon, Washington, Colorado, Indiana, Missouri, and Wisconsin. **NOTE:** Applicant states it intends to tack at Duluth, Minn., with its Sub-No. 270 to perform a through service to the State of Idaho. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 112049 (Sub-No. 18), filed September 17, 1971. Applicant: McBRIDE'S EXPRESS, INC., 1901 Wabash Avenue, Mattoon, IL 61938. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, MO 63114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Missouri, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112595 (Sub-No. 46), filed August 13, 1971. Applicant: FORD BROTHERS INC., Post Office Box 727, Ironton, OH 45638. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Huntington, Ind., to points in Ohio. **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 Columbus, Ohio, or Washington, D.C.

No. MC 112595 (Sub-No. 47), filed August 13, 1971. Applicant: FORD BROTHERS INC., Post Office Box 727, Ironton, OH 45638. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Congo, Hancock County, W. Va., to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the Dis-

trict of Columbia, St. Louis, Mo., and points in the St. Louis-Missouri commercial zone. **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 Pittsburgh, Pa., or Washington, D.C.

No. MC 112617 (Sub-No. 293), filed September 17, 1971. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, KY 40221. Applicant's representative: L. A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortening*, in bulk, in tank vehicles, from Louisville, Ky., to points in Ohio and Lower Peninsula of Michigan. **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 Louisville, Ky.

No. MC 112520 (Sub-No. 247), filed September 15, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and animal feed supplements*, in bulk, in tank vehicles, from Donaldsonville, Ga., to points in Alabama, 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.

No. MC 112822 (Sub-No. 215), filed September 27, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: Thomas Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer, and sound deadening compounds*, in packages or containers (except in bulk in tank vehicles), from Hancock County, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may re-

sult in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 112822 (Sub-No. 216), filed September 27, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: Thomas Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, emulsified petroleum sizing, petroleum products additives and paint and paint products*, all in containers, from the Mobile Oil Corp. plantsites at Beaumont, Tex., to points in New Mexico, Arizona, and California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 113267 (Sub-No. 273) filed September 27, 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: *Preserved food products, in containers, and canned food products*, from points in Peach County, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Florida, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. **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 Atlanta, Ga.

No. MC 113362 (Sub-No. 222), filed September 20, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Box 562, Austin, MN 55912. 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*, 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 Denison and Fort Dodge, Iowa; Luverne, Minn.; and West Point, Nebr., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. **Restricted:** To traffic originating at the plantsites

of and storage facilities utilized by Iowa Beef Processors, Inc., at or near the name origins and destined to the above-named destination points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113678 (Sub-No. 438), filed September 20, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane Ackle, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures and related materials and supplies*, from Wilmington, Mass., to points in Ohio, Indiana, Illinois, Michigan, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, restricted to traffic originating at the plantsite and storage facilities of Keene Corp. or its subsidiaries at or near Wilmington, Mass. **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., Washington, D.C., or Denver, Colo.

No. MC 113843 (Sub-No. 174), filed September 29, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and B of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Utica, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** 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 Detroit, Mich.

No. MC 113908 (Sub-No. 216), filed September 26, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street (Post Office Box 3180), Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from Corpus Christi, Tex., and from points in Starr, Hildago, Willacy, and Cameron Counties, Tex., to points in Florida, California, Illinois, New York, New Jersey, Wisconsin, Indiana, Ohio, Pennsylvania, Massachusetts, Michigan, and Connecticut.

NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or St. Louis, Mo.

No. MC 114004 (Sub-No. 109), filed September 16, 1971. Applicant: CHANDLER TRAILER CONVLY, INC., 8828 New Benton Highway Mail: Post Office Box 1715, West, Post Office Box 27 61550, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings*, in sections, mounted on wheeled undercarriage, in initial movements, from points in Texas, to points in the United States including Alaska but excluding Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114194 (Sub-No. 165), filed September 24, 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: *Corn products and blends*, in bulk, from Hammond, Ind., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories that can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114569 (Sub-No. 97), filed August 25, 1971. Applicant: SHAFFER TRUCKING CO., INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Mattoon, Ill., and destined to points in the States named above. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115840 (Sub-No. 70), filed September 20, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box

10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials and supplies* (except commodities in bulk), between points in Alabama, Georgia, Mississippi, Louisiana, Kentucky, Tennessee, Arkansas, Florida, North Carolina, and South Carolina. **NOTE:** Applicant states it intends to tack with its No. MC 115840 (Sub-No. 55), however, 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 does not specify a location.

No. MC 115840 (Sub-No. 72), filed September 27, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway (Post Office Box 10327), Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except in bulk), between points in Alabama, Arkansas, Kansas, Oklahoma, Louisiana, Mississippi, New Mexico, and Texas, restricted against the transportation of pipe as described in *Mercer Extension Oil Field Commodities*, 74 M.C.C. 459. **NOTE:** Common control may be involved. Applicant states that the requested authority can be tacked with its authority presently held at points in Alabama, Mississippi, and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or New Orleans, La.

No. MC 115841 (Sub-No. 416), filed September 23, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Colorado, Kansas, Oklahoma, New Mexico, and Texas, restricted to traffic originating at the plantsite and storage facilities of Kraft Foods, located at or near Mattoon, Ill., and destined to points in the named destination States. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116073 (Sub-No. 197), filed September 27, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative:

Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Laurel and Waynesboro, Miss.; Camak, Ga.; and Shelton, Wash.; to the plant-site of Trus Joist Midwest Corp. at Dubuque, 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 Dubuque, Iowa.

No. MC 116073 (Sub-No. 198), filed September 27, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Washington and Clayton Counties, Iowa to points in the United States; (2) *buildings* complete or in sections mounted on wheeled undercarriages with hitchball couplers, from points in Linn, Iowa and Washington Counties, Iowa to points in the United States; and (3) *buildings* complete or in sections mounted on wheeled undercarriages with hitchball couplers, from points in Clayton County, Iowa to points in the United States (except North Dakota and South Dakota). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116073 (Sub-No. 199), filed October 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings complete or in sections, from points in Barbour and Madison Counties, Ala., 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 Birmingham, Ala.

No. MC 116073 (Sub-No. 200), filed October 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South; Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lowndes County, Miss., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the re-

quested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 116073 (Sub-No. 201), filed October 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections*, from points in Dakota County, Minn., 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 St. Paul, Minn.

No. MC 116073 (Sub-No. 202), filed October 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South; Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, from points in Hillsborough County, Fla., 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 Tampa, Fla.

No. MC 116073 (Sub-No. 203), filed October 6, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tassar, 1819 Fourth Avenue South; Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in 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 Memphis, Tenn.

No. MC 116763 (Sub-No. 211), filed October 4, 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: *Prepared animal food* (except in bulk), from Corwin, Ohio, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the facilities of Thorobred Co., Inc., at or near Corwin, Ohio. **NOTE:** Applicant states that the requested au-

thority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 441), filed September 9, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished logs and equipment and supplies used in the construction of prefabricated log cabins*, from Santa Rosa, Calif., to points in Benton and Washington Counties, Ark. **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., or Little Rock, Ark.

No. MC 117119 (Sub-No. 442), filed September 22, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Chelsea, Mich., to points in Louisiana, Mississippi, and Tennessee. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 117644 (Sub-No. 23), filed September 29, 1971. Applicant: D & T TRUCKING CO., INC., Box 2611, New Brighton, MN 55112. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Paul, Minn., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Kentucky, Virginia, and West Virginia, under contract with Armour Food Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117883 (Sub-No. 162), filed September 26, 1971. Applicant: **SUBLER TRANSFER, INC.**, 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in refrigerated vehicles, from Elizabethtown, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, restricted to traffic originating at Elizabethtown, 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 Washington, D.C.

No. MC 118518 (Sub-No. 6), filed September 20, 1971. Applicant: **MUKLUK FREIGHT LINES, INC.**, Post Office Box 3-4127, Anchorage, AK 99503. Applicant's representative: Joseph W. Sheehan, Post Office Box 2551, Fairbanks, AK 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, between points in the Kenai Peninsula south of an imaginary line running east and west through Girdwood, Alaska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

No. MC 118989 (Sub-No. 67), filed September 27, 1971. Applicant: **CONTAINER TRANSIT, INC.**, 4223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Chicago, Ill., to points in Ohio, Indiana, Wisconsin, Minnesota, Missouri, and Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119226 (Sub-No. 80), filed September 13, 1971. Applicant: **LIQUID TRANSPORT CORP.**, 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Don A. Thome (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and shortening*, in bulk, in tank vehicles, from Louisville, Ky., to points in Ohio and the Lower Peninsula of Michigan. 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 Washington, D.C.

No. MC 119493 (Sub-No. 82), filed September 13, 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: *Canned goods and animal feed*, from points, in Crawford County, Ark., to points in Arkansas, Iowa, Illinois, Louisiana, Mississippi, Missouri, Kansas, Nebraska, Oklahoma, North Dakota, South Dakota, Alabama, California, Colorado, Georgia, Tennessee, and Texas. 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 Little Rock, Ark.

No. MC 119547 (Sub-No. 28), filed August 18, 1971. Applicant: **EDGAR W. LONG, INC.**, Route No. 4, Zanesville, OH 43701. 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: (1) *Clay products* (except in bulk) and *panels, clay slab and concrete, or concrete reinforced*, from Minerva, Ohio, to points in Florida; (2) *clay products* (except clay building tile and except commodities in bulk) and *panels, clay slab and concrete or concrete reinforced*, from Minerva, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and Washington, D.C., and (3) *clay products* (except in bulk) from Summitville, Ohio and Pexin, Ohio, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, 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 Pittsburgh, Pa., Columbus, Ohio, or Washington, D.C.

No. MC 119657 (Sub-No. 13) (amendment), filed August 23, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, and republished as amended, this issue. Applicant: **GEORGE TRANSIT LINE, INC.**, 760-764 Northeast 47th Place, Des Moines, IA 50313. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *feed and feed ingredients*, between points in Iowa and Nebraska; and (2) *feed ingredients*, from Gayville,

S. Dak., to points in Illinois, Minnesota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to reflect a change in the tacking information. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 119767 (Sub-No. 279), filed September 17, 1971. Applicant: **BEAVER TRANSPORT CO.**, a corporation, I-94 and County Highway C, Bristol, WI 53104. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and dehydrated products*, from Zumbrota, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Wisconsin, and points in Ohio on and west of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to Marion, Ohio, thence along U.S. Highway 23 to Portsmouth, Ohio. NOTE: Applicant states that the the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories that 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 Minneapolis, Minn.

No. MC 119789 (Sub-No. 105), filed September 20, 1971. Applicant: **CARAVAN REFRIGERATED CARGO, INC.**, Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen) from the plantsites of Knouse Foods, Inc., at Chambersburg, Peach Glen, and Orrtanna, Pa., to points in Mississippi, Louisiana, Oklahoma, Arkansas, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119789 (Sub-No. 106), filed September 20, 1971. Applicant: **CARAVAN REFRIGERATED CARGO, INC.**, Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber articles, drugs, plastic articles*, from the plantsite of Ross Laboratories, Columbus, Ohio, to points in Texas, Arkansas, Louisiana,

Oklahoma, Kansas, and Missouri, and (2) *rubber articles, drugs, plastic articles and food products*, from the plantsite of Ross Laboratories, Columbus, Ohio, to points in California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Washington, D.C., or Dallas, Tex.

No. MC 119789 (Sub-No. 107), filed September 30, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, (1) from Gordonsville, Tenn., to points in California, and (2) from St. Louis, Mo., and Chicago, Ill., to points in California. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Dallas, Tex.

No. MC 119789 (Sub-No. 108), filed September 30, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture*, from Kewaunee, Wis., to North Hollywood, Calif. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.; Dallas, Tex.; or Washington, D.C.

No. MC 119928 (Sub-No. 12), filed August 18, 1971. Applicant: C & E TRUCKING CORPORATION, 1818 West Sample Street, South Bend, IN 46621. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Elk Grove Village, Ill., to points in Indiana and Michigan, and *return movements of foodstuffs*, from points in Indiana and Michigan, to Elk Grove Village, Ill. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121642 (Sub-No. 1), filed September 24, 1971. Applicant: BEAMER BROTHERS TRUCKING COMPANY, 8188 Camargo Road, Cincinnati, OH 45243. Applicant's representative: Jack B. Josselson, Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and banded or palletized building materials* in motor vehicles equipped with booms and special loading and unloading devices, between points in Hamilton County, Ohio,

on the one hand, and, on the other, points in Indiana, Kentucky, 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 Cincinnati or Columbus, Ohio.

No. MC 123314 (Sub-No. 15), filed September 16, 1971. Applicant: JOHN F. WALTER, INC., Box 175, Newville, PA 17241. Applicant's representative: Eugene T. Lilpfer, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, and advertising matter, materials, equipment and supplies used in, or incidental to, the preparation, packing, sale, and distribution of prepared food products*, between the facilities operated by H. J. Heinz Co. at Toledo, Bowling Green, and Fremont, Ohio, on the one hand, and, on the other, facilities operated by H. J. Heinz Co. at Harrison and Salem, N.J. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123329 (Sub-No. 20), filed August 23, 1971. Applicant: H. M. TRIMBLE & SONS, LTD., 4056 Ogden Road South East, Calgary, AB, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda* in bulk, from Bellingham, Wash., to ports of entry on the international boundary line between the United States and Canada located in Washington. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at any location in the State of Washington at the Commission's discretion.

No. MC 123640 (Sub-No. 7), filed September 30, 1971. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold, dealt in, or used by a chain or department store for the account of W. T. Grant Co., between Fort Wayne, Ind., on the one hand, and, on the other, points in that part of New York, on, south and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence south along New York Highway 78 to junction New York Highway 16, and thence south along New York Highway 16 to the New York-Pennsylvania State line, under contract with W. T. Grant Co.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123744 (Sub-No. 7), filed September 24, 1971. Applicant: BUTLER TRUCKING COMPANY, a corporation, Post Office Box 44, Drifiting, PA 16834. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, or ducts or raceways, wrought iron or steel NMFC Item 51190 and fittings therefor, and conduit pipe tubing, welded steel, not exceeding 4 inches o.d. (electrical metallic tubing)*, (1) from the plantsite and facilities of Jones & Laughlin Steel Corp. at New Kensington, Pa., to points in Maine, New Hampshire, Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont; and (2) from the plantsite and facilities of Jones & Laughlin Steel Corp. at Niles, Ohio, to points in Maine, Connecticut, New Hampshire, Massachusetts, New Jersey, Rhode Island, New York, Pennsylvania, 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 Pittsburgh, Pa., or Washington, D.C.

No. MC 124154 (Sub-No. 45), filed August 19, 1971, published in the FEDERAL REGISTER issue of October 14, 1971, and republished in part, as corrected this issue. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, Albany, GA 31702. Applicant's representative: W. D. Wingate (same address as applicant). **NOTE:** The sole purpose of this partial republication is to reflect the correct docket number assigned thereto as MC 124154 (Sub-No. 45), in lieu of MC 121154 (Sub-No. 45), shown erroneously in previous publication. The rest of the application remains as previously published.

No. MC 124211 (Sub-No. 203), filed September 27, 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: *Floor padding, cushioning and coverings*, from points in Dyer 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 Washington, D.C.

No. MC 125687 (Sub-No. 9), filed September 8, 1971. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street—also Post Office Box 1761, York, PA 17405, Zip 17403. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and materials, equipment and supplies used or useful in the manufacture and sale of*

paper and paper products, between Lock Haven, Pa., on the one hand, and, on the other, points in New Jersey, New York, and Connecticut. **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 126102 (Sub-No. 10), filed July 14, 1971. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Post Office Box 1808, Plainville, MA 02762. Applicant's representative: Sanford A. Kowal, 73 Tremont Street, Boston, MA 02100. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or sold in the retail department stores of Mammoth Mart, between points in Connecticut, Georgia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and Virginia.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126291 (Sub-No. 17), filed October 4, 1971. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Frontenac County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, waste cardboard, waste corrugated, and rags*, from points in Massachusetts to ports of entry on the international boundary line between the United States and Canada at or near Jackman and Coburn Gore, Maine, restricted to traffic destined to points in Frontenac County, Quebec, Canada. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 127042 (Sub-No. 88), filed September 30, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard (Post Office Box 98-Leeds Station), Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant-site and storage facilities utilized by Tama Corp., at or near Tama, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Idaho, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, 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 Omaha, Nebr.; St. Paul, Minn.; or Chicago, Ill.

No. MC 127170 (Sub-No. 10), filed September 20, 1971. Applicant: CENTRAL STATES TRUCKING, INC., Post Office Box 26, Donnellson, IA 52625. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides, fertilizers, fungicides, and herbicides, in packages or containers, from Council Bluffs, Iowa, to points in Colorado and Wyoming.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127777 (Sub-No. 14), filed September 8, 1971. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, from points in Grant County, Wis., 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 Madison, Wis.

No. MC 127812 (Sub-No. 14), filed September 30, 1971. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue, Southwest, New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (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 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Eau Claire, Wis., to the plant-site and warehouse facilities of Schweigert Meat Products Co., Minneapolis, Minn.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128085 (Sub-No. 3), filed August 26, 1971. Applicant: JOHN NOVAK, Route 1, Box 11, Laona, WI

54541. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Forest products and byproducts, from points in Florence, Forest, Oneida, Oconto, and Vilas Counties, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin and (2) *Materials and supplies on return from destination points in (1) above to points in Florence, Forest, Oneida, Oconto, and Vilas Counties, Wis., under contract with Pine River Lumber Co., Ltd.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 128273 (Sub-No. 105), filed September 15, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, converters of paper and paper products; materials and supplies used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment and commodities in bulk), between Chillicothe, Ohio; Schooleys, Ohio; Gray, Tenn., and Kingsport, Tenn., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, 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 Washington, D.C.

No. MC 128375 (Sub-No. 70), filed October 1, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Popcorn*, from Wall Lake, Iowa and points in Delaware and Ohio to points in the United States, including Alaska but excluding Hawaii and (2) *supplies and materials used in the production, processing and distribution of popcorn and grain products, from points in the United States, including Alaska but excluding Hawaii to points in Delaware and Ohio; Wall Lake, and Cedar Rapids, Iowa, under a continuing contract with Liggett and Myers, Inc., and their subsidiaries and divisions.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128616 (Sub-No. 6), filed September 27, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chi-

ago, IL 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* as are used in the conduct and operation of banks and banking institutions (except coins, currency, and negotiable securities), (1) between Joplin, Mo., on the one hand, and, on the other, points in Benton, Washington, and Carroll Counties, Ark.; Labette, Crawford, Montgomery, Cherokee, Neosho, and Bourbon Counties, Kans.; Ottawa, Delaware, and Tulsa Counties, Okla., and (2) between Kansas City, Mo., on the one hand, and, on the other, points in Tulsa County, Okla., under contract with various banks. **NOTE:** Applicant holds common carrier authority under MC 114533 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Joplin, St. Louis, or Kansas City, Mo.

No. MC 128634 (Sub-No. 5), filed September 7, 1971. Applicant: FIRST SCOTT STREET CORP., 543 South Fordson, Detroit, MI 48217. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Quincy, Mich., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. **NOTE:** Applicant states that the requested authority will be under contract with Great Markwestern Packing Co. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 129600 (Sub-No. 5), filed September 20, 1971. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, mayonnaise, salad dressing, sandwich spreads, relish spreads, mustard, cole slaw dressing, puddings, tables sauces, advertising matter and premiums*, (A) From Baltimore, Md., to points in Connecticut, Delaware, Georgia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia; and (B) From Atlanta, Ga., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *Plastic articles, cartons, sleeves, glass jars, metal containers and caps, powdered milk, granulated sugar, frozen eggs,*

salts, wrapping paper, foil and pallets, (A) From points in Connecticut, District of Columbia, Delaware, Georgia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and Vermont to Baltimore, Md., and (B) From points in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin to Atlanta, Ga. **Restriction:** The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with J. H. Filbert, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.; Washington, D.C., or Boston, Mass.

No. MC 129981 (Sub-No. 3), filed September 26, 1971. Applicant: BRIDGFORD DISTRIBUTING COMPANY, a corporation, 1 Frozen Food Plaza, Secaucus, NJ. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bread dough, processed meat and meat products, cheese, salads, dressings, and dips*, from the plantsite and warehouse facilities utilized by Bridgford Foods Corp. at or near Anaheim, Calif., to points in the United States west of the Mississippi River and the western boundaries of Koochiching and Itasca Counties, Minn., and (2) *materials, supplies, and equipment* utilized in the manufacture, sale, and distribution of the commodities named in (1) above, from the points in the destination area named in (1) above to the plantsite and warehouse facilities utilized by Bridgford Foods Corp. at or near Anaheim, Calif., under contract with Bridgford Foods Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133220 (Sub-No. 5), filed September 7, 1971. Applicant: RECORD TRUCK LINE, INC., Post Office Box 11, Henderson, TN 38340. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire prevention sprinkler systems and fire prevention sprinkler systems parts, accessories and attachments, and tools, devices and apparatus* used in the installation and erection thereof; (2) *pipe fittings, pipe connections, castings, and valves*, from the plantsite and warehouse facilities of Grinnell Corp., Fire Protection Division, located at or near Cleveland, N.C., in Rowan County, to points in the United States (except Alaska and Hawaii); and (3) *materials, tools, devices, and apparatus* used in the fabrication, assembly, and installation of (1) and (2) above from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Grinnell Corp., Fire Protection Division,

located at or near Cleveland, N.C., in Rowan County, under contract with Grinnell Corp. **NOTE:** Applicant proposes to provide stop off service for partial loading and unloading at presently authorized subsequently authorized Grinnell points. Applicant holds common carrier authority under MC 125227 and Subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133494 (Sub-No. 3), filed August 19, 1971. Applicant: E. W. BELCHER, doing business as BELCHER TRUCKING COMPANY, Route 1, Box 402, Denton, TX 76201. Applicant's representative: William D. Lynch, Post Office Box 912, Austin, TX 78707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and cottonseed meal*, from points in Saint Francis and Pulaski Counties, Ark., Ouachita Parish, La., Quitman and Claiborne Counties, Miss., Shelby County, Tenn., and those in Hunt, Tarrant, Grayson, Lubbock, and Hale Counties, Tex., to points in Cook, Tarrant, Freestone, Leon, McLennan, Erath, and Brazos Counties, Tex. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Houston, Tex.

No. MC 133534 (Sub-No. 5), filed August 18, 1971. Applicant: ROBERT V. MARKT, 1409 Rife Street, St. Joseph, MO 64506. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry feed ingredients and animal health aids and livestock feeders* moving in connection therewith, between points in St. Joseph, Mo., commercial zone, on the one hand, and, on the other, points in Kansas, Missouri, and Nebraska, and points in Iowa on and west of U.S. Highway 65. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority. 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 Kansas City, Mo.

No. MC 133689 (Sub-No. 19), filed September 7, 1971. Applicant: OVERLAND EXPRESS, INC., 651 1st Street, SW., New Briton, MN 55112. Applicant's representative: James F. Sexton (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 Denison,

Fort Dodge, LeMars, and Mason City, Iowa; Luverne, Minn.; Dakota City and West Point, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processor, Inc., at or near the named origins. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Minneapolis, Minn.

No. MC 133735 (Sub-No. 3), filed September 27, 1971. Applicant: AUDUBON TRANSPORT, INC., Audubon, Iowa 50025. 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: *Liquid animal feed and liquid animal feed ingredients*, from the plantsite of Phillips Petroleum Co. at or near Audubon, Iowa to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, 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.

No. MC 134238 (Sub-No. 3) (Correction), filed September 20, 1971, published in the FEDERAL REGISTER, issue of October 15, 1971, and republished in part, as corrected, this issue. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind., 46204. The purpose of this partial republication is to redescribe part (1) of the application commodity description as follows: *Dairy products*, as described in section B of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209; and *imitation dairy products* (Melerin); the rest of the application remains as previously published.

No. MC 134806 (Sub-No. 5), filed September 30, 1971. Applicant: B-D-R TRANSPORT, INC., Post Office Box 813, Brattleboro, VT 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Maine, New Hampshire, Massachusetts, and New York, under contract with West Coast Tanners Production Club. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt.

No. MC 135185 (Sub-No. 7), filed September 27, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment utilized by hospitals, nursing homes, health care centers, and laboratories*, (1) from points located in south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., to Chamblee, Ga., and Miami, Fla., and (2) from points in Georgia and Florida to points in and south of San Luis Obispo, Kern, and San Bernardino Counties, Calif., under contract with American Hospital Supply Corp. Restriction: All shipments to either originate or terminate at the plantsites or distribution facilities of American Hospital Supply Corp. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135236 (Sub-No. 2), filed October 1, 1971. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. 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: (1) *Malt beverages* and (2) *used empty malt beverage containers on return*, from Newark, N.J., to points in Iowa, Michigan, 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 Indianapolis, Ind., or Washington, D.C.

No. MC 135330 (Sub-No. 1), filed October 4, 1971. Applicant: ANTHONY J. CHICOLA, SR., doing business as CHICOLA MOVING & STORAGE, 1301 Main Street, Alexandria (Rapides) LA 71301. Applicant's representative: Anthony J. Chicola, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, between Alexandria, La., on the one hand, and, on the other, points in the Louisiana Parishes of Acadia, Allen, Avoyelles, Beauregard, Caldwell, Catahoula, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, LaSalle, Madison, Moorehouse, Natchitoches, Point Coupee, Rapides, Richland, St. Landry, Tensas, West Carroll, West Feliciana, and Winn. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers (except as to personal effects), 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:** Application states that the requested authority cannot be tacked with its existing authority. If a hearing

is deemed necessary, applicant requests it be held at New Orleans, La., or Fort Worth, Tex.

No. MC 135459 (Sub-No. 2), filed September 28, 1971. Applicant: WEBSTER GRAHAM, doing business as GRAHAM TRUCKING, Kistler, W. Va. 25628. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust*, from Swords Creek, Va., to points in McDowell, Mingo, Logan, and Wyoming Counties, W. Va. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Roanoke, Va.

No. MC 135487 (Sub-No. 1), filed September 23, 1971. Applicant: HULCHER EMERGENCY R.R. SERVICE, INC., Box 191, Virden, IL 62690. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, restricted to the transportation of commodities involved in a railroad wreck or derailment from the site of such wreck or derailment. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 135524 (Sub-No. 2), filed August 12, 1971. Applicant: G. F. TRUCKING, INC., 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyors, conveyor systems, industrial washing machines, and accessories, parts, materials, supplies, and equipment necessary for the erection, installation, completion and maintenance thereof*, from Florence, Ky., to points in the United States (except Alaska and Hawaii), and (2) *materials, supplies and equipment used in the manufacturing installation, completion, erection, and maintenance of conveyors, conveyor systems, and industrial washing machines*, from points in the United States (except Alaska and Hawaii), to Florence, 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, or Washington, D.C.

No. MC 135714 (Sub-No. 1), filed September 28, 1971. Applicant: CARL E. HOUGHTON, doing business as HOUGHTON MOVING & STORAGE, 601 Highway 12, Post Office Box 249, Suisan, CA 94585. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Solana, Napa, Sonoma, Contra Costa, Yolo, and San Joaquin Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135780 (Sub-No. 2), filed September 9, 1971. Applicant: HERZOG CONTRACTING CORP., 2020 South Fourth Street, St. Joseph, MO 64503. Applicant's representative: Lawrence D. Robinson, Suite 2100, 10 Main Center, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, rip-rap, slagg, flyash, cement, mineral filler, soil, rubble, asphalt mix and asphalt products*, between points in those portions of Kansas, Nebraska, Iowa, and Missouri lying on and within that certain area bounded by a line beginning at the intersection of U.S. Highway 75 and the Kansas-Oklahoma State line, thence in a northerly direction along U.S. Highway 75 through Kansas and Nebraska to the intersection thereof with U.S. Highway 34, thence in an easterly direction along U.S. Highway 34, through Nebraska and Iowa to the intersection thereof with U.S. Highway 65, thence in a southerly direction along U.S. Highway 65 through Iowa and Missouri to the intersection thereof with Interstate Highway 44, thence in a westerly direction along Interstate Highway 44 through Missouri to the intersection thereof with the Missouri-Oklahoma State line, thence in a northerly direction along the Missouri-Oklahoma State line to the intersection thereof with the Kansas-Oklahoma State line, thence in a westerly direction along the Kansas-Oklahoma State line to the point of beginning at the intersection thereof with U.S. Highway 75, including points on the indicated portions of the highways specified.

No. MC 135871 (Sub-No. 1) (Correction), filed August 6, 1971, published *FEDERAL REGISTER*, issue of September 10, 1971, as No. MC 135750 Sub 2, which was in error, and republished as corrected this issue. 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:** The purpose of this republication is to show No. MC 135871 (Sub-No. 1) as the correct docket number assigned thereto, in lieu of MC 135750 (Sub No. 2), which was in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135910, filed August 2, 1971. Applicant: ANGELINA JOHNSON, doing business as JOHNSON ENTERPRISES, 523 Schuyler Avenue, Kearny, NJ. Applicant's representative: Avrom J. Gold, 786 Broad Street, Newark, NJ. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, not to include commodities in bulk, in tank vehicles, food, heavy machinery or the like, but limited to smaller parcels, requiring quick delivery, (1) between points in New Jersey and points in New York; (2) between points in New Jersey and points in Connecticut and (3) between points in New Jersey and points in Massachusetts. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 135967 (Correction), filed August 16, 1971, published in the *FEDERAL REGISTER*, issue of September 30, 1971, and republished as corrected this issue. Applicant: FLAGGWAYS, INC., Treynor, Iowa 51575. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses as described in appendix 1 to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha and Fremont, Nebr., Fort Morgan, Colo., Denison, Oakland, Harlan, and Iowa Falls, Iowa, to points in Ohio, Michigan, Indiana, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Delaware, Maryland, Massachusetts, New Hampshire, Connecticut, Rhode Island, Maine, Vermont, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill. The purpose of this republication is to redescribe the points of origin, some of which were inadvertently omitted in the previous publication.

No. MC 136011, filed August 13, 1971. Applicant: COX GRAIN & FEED COMPANY, a corporation, Tennant, Iowa 51574. Applicant's representative: Bernard K. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from Carlsbad, N. Mex., to points in

Shelby and Pottawattamie Counties, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha; Lincoln, Nebr., or Des Moines, Iowa.

No. MC 136017, filed August 30, 1971. Applicant: FROHNA FEED STORE CO., a corporation, Frohna, Mo. 63748. Applicant's representative: Gerald H. Johnson, 34 North Spanish, Cape Girardeau, MO 63701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products* (all types), including but not limited to pallets, crating and lumber, and logs, from points in Missouri, to points in Illinois, Indiana, Iowa, and Kentucky, under contract with Perry Crating, and East Perry Lumber Co., both of Frohna, Mo., and Marquand Wood Products, Marquand, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136024, filed September 9, 1971. Applicant: MTS TRANSPORT, a corporation, 300 Montgomery Street, San Francisco, CA 94104. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, finished or unfinished, with decorative or protective materials, accessories and supplies used in the installation thereof, between points in Mendocino County, Calif., and points in Washington, Oregon, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, and New Mexico. **NOTE:** Common control may be involved. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Ukiah, Calif.

No. MC 136034, filed September 20, 1971. Applicant: ASTRO TOWING SERVICE, LTD., a corporation, 3821 South Union, Chicago, IL 60609. Applicant's representative: Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles*, between points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136040, filed September 13, 1971. Applicant: DONALD M. MOUL, doing business as DON'S AUTO TRANSPORT, Rural Delivery No. 5, York, PA 17402. Applicant's representative: Eugene R. Campbell, 124 East Market Street, York, PA 17401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from Strinestown, Pa., to points in Maine, New York, New Jersey, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Massachusetts, Vermont, and New Hampshire. **NOTE:** Applicant states that the requested author-

ity cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at York or Harrisburg, Pa.

No. MC 136044 (Sub-No. 1), filed September 27, 1971. Applicant: R. D. BULKA, INC., 597 Bridgewater Avenue, Somerville, NJ 08876. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Waste etch liquor*, in shipper-owned tank trailers from Lancaster and Towanda, Pa., to New Brunswick, N.J., for the account of Engineering Chemical Services, Inc., of New Brunswick, N.J., and (b) *Ferro chloride*, in shipper-owned tank trailers from New Brunswick, N.J., to Glendale (Queens County), N.Y., for the account of Engineering Chemical Services, Inc., of New Brunswick, N.J., and (2) *steel wire woven fencing, plastic coated, in rolls, steel fence posts and fittings*, used to install the same from Raritan, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, and Maryland for the account of Colorguard Corp. of Raritan, N.J., under contract with Engineering Chemical Services, Inc., and Colorguard Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136046 (Sub-No. 1), filed September 29, 1971. Applicant: AIR LAND TRANSPORT, INC., Route 2, Box 341, Newnan, GA 30263. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pajamas*, and (2) *materials and supplies*, between McKenzie, Tenn., and Miami, Fla., under contract with Damas Pajama Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136050, filed September 22, 1971. Applicant: TOWN CARTAGE, INC., 401 Sallotte, Ecorse, MI 48229. Applicant's representative: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) from Detroit and Ecorse, Mich., to Toledo and Perrysburg, Ohio, and (2) from Toledo and Perrysburg, Ohio, to points in the Lower Peninsula of Michigan, under a continuing contract with Donovan Wire and Iron Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 136057, filed September 7, 1971. Applicant: NEAL NICHOLS, 410 Columbia Street, San Augustine, TX 75972. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Dry animal, poultry, fish, and bird feed*, in bags and containers, from the plantsite of Ralston-Purina Co. at Shreveport, La., to points in Angelina, Nacogdoches, Panola, Polk, Sabine, San Augustine, and Shelby Counties, Tex., and (2) *feather meal*, in bulk, from the plantsite of Ralston-Purina Co. at or near Nacogdoches, Tex., to Shreveport, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Nacogdoches, Tex., or Dallas, Tex.

No. MC 136059, filed September 17, 1971. Applicant: LAURI KOSKI, INC., 117 Thompson Road, Esko, MN 55733. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between Cloquet, Minn., and Superior, Wis., under contract with Brenny Dahl Block Co. of Cloquet, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 136060, filed September 23, 1971. Applicant: AMNO TRUCKING, INC., 12 Elmwood Avenue, Bloomfield, NJ 07003. Applicant's representative: Bando J. Caruso, 427 Bloomfield Avenue, Montclair, NJ 07003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned tomatoes*, from the New York Port Authority piers located in the New York, N.Y., commercial zone, to points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Vitelli Elvea Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 136064, filed September 28, 1971. Applicant: NORTH GEORGIA TRANSPORT COMPANY, INC., Post Office Box 1046, Dalton, GA 30720. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are distributed by dealers in petroleum, petroleum products, and service station supplies, between points in Alabama, Georgia, Kentucky, and Tennessee. Restriction: Restricted to service performed under a continuing contract or contracts with North Georgia Oil Co., Mid-Tennessee Oil Co., and Richland Oil Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 136061, filed September 23, 1971. Applicant: WILLARD B. RAILSBACK, 217 East New York, Smith Center, KS 66967. Applicant's representative: James R. Martin, 115 South First Street, Osborne, KS 67473. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grains, proteins, molasses, feed, salt, feed lime, fertilizers, alfalfa meal,*

alfalfa pellets, steel and steel products, lumber, and rock, from points in Nebraska to Smith Center, Kans., under contract with Glen R. Smith, doing business as Smith Wholesale. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Wichita, Kans.

No. MC 136065, filed October 1, 1971. Applicant: MTR, INC., 349 Empire Drive, Post Office Box 632, Fremont, NE 68025. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, used in the control and management of plants, animals and insects, except in bulk, between points in South Dakota, North Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, and Minnesota, and (2) *Dry fertilizer*, between points in Nebraska, Iowa, South Dakota, Missouri, and Kansas, under contract with Midwest Agricultural Warehouse Co., Val-U-Hi Supply Co., and Balcom Chemical, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

MOTOR CARRIER OF PASSENGERS

No. MC 2835 (Sub-No. 36), filed September 27, 1971. Applicant: ADIRON-DACK TRANSIT LINES, INC., 495 Broadway, Kingston, NY 12401. 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 regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between the international boundary at or near Champlain, N.Y., and Plattsburg, N.Y., as follows: (1) from the international boundary at or near Champlain, N.Y., over U.S. Highway 9 to Plattsburg and return over the same route, serving all intermediate points and (2) from the international boundary at or near Champlain, N.Y., over Interstate Highway 87 to junction New York Highway 3; thence over New York Highway 3 to Plattsburg and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify location.

No. MC 106120 (Sub-No. 3), filed September 13, 1971. Applicant: BADGER COACHES, INC., 200 West Beltline Highway, Madison, WI 53713. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between points in Milwaukee County, Wis., on the one hand, and, on the

other, points in Cook County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 106170 (Sub-No. 11), filed October 1, 1971. Applicant: THE GRAY LINE SCENIC TOURS, INC., 1675 Mill Street, Post Office Box 1051, Reno, NV 89505. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Santa Clara County, Calif., and extending to points in Douglas, Washoe, and Storey Counties, Nev., and Carson City, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno or Carson City, Nev., or San Francisco, Calif.

No. MC 123473 (Sub-No. 6), filed October 6, 1971. Applicant: WEST HUNTERDON TRANSIT CO., INC., Routes 202 and 69, Flemington, NJ 08822. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage and express, and newspapers*, in the same vehicle with passengers, between Frenchtown, N.J., and New York, N.Y., serving the intermediate points between Frenchtown and Flemington, N.J., including Flemington, and serving the junction of Charlotte Street and the junction of U.S. Highway 202 in Bridgewater Township, N.J., for purposes of joinder only between the rights described herein and the authority acquired from Transport of New Jersey authorizing regular route transportation of passengers between New Hope, Pa., and Bridgewater Township, N.J., serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Trenton, N.J.

No. MC 125330 (Sub-No. 5), filed September 27, 1971. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07102. 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: *Passengers*, beginning and ending at Brooklyn, N.Y., and extending to the facilities of the Intertype Co., a division of Harris Intertype Corp., at Watchung, N.J., limited to a transportation service to be performed under a contract or continuing contract with the Intertype Co., a division of Harris Intertype Corp. NOTE: Applicant also holds common carrier authority under MC 118848 (Sub-No. 1). If a hearing is deemed necessary, appli-

cant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129038 (Sub-No. 7), filed July 29, 1971. Applicant: TRI-STATE COACH LINES, INC., 2323 West Ninth Avenue, Post Office Box 547, Gary, IN 46401. Applicant's representative: Harold M. Olsen, 712 South Second Street, Post Office Box 1705, Springfield, IL 62705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express and newspapers*, between points in St. Joseph, La Porte, Porter, and Lake Counties, Ind., and O'Hare International and Midway Airports at Chicago, Ill., restricted to traffic having an immediate and prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Gary, Ind., or South Bend, Ind.

No. MC 136062 filed September 24, 1971. Applicant: ATWOOD ENTERPRISES, INC., 5300 Eielson Street, Anchorage, AK 99503. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, mail, newspapers, and express*, in the same vehicle with passengers, (1) over the network of unnumbered State roads serving Deadhorse Airport and Prudhoe Bay Area of Alaska, in zone 4 north of the Yukon River (as defined by the Alaska Transportation Commission), serving all intermediate points, and (2) between Anchorage and Prudhoe Bay, Alaska, from Anchorage over Alaska Highway Department Route No. 170,000 to Fairbanks, thence over Alaska Highway Department Route No. 200,000 to Prospect Creek, thence over Alaska Highway Department Route No. 270,000 to Prudhoe Bay, and return over the same route, serving all intermediate points, restricted to no local service between points south of the Yukon River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

APPLICATION FOR FREIGHT FORWARDER

No. FF-139 (Sub-No. 5) (MIDLAND FORWARDING CORPORATION—Extension—PRIOR & SUBSEQUENT AIR FREIGHT), filed October 12, 1971. Applicant: MIDLAND FORWARDING CORPORATION, doing business as ABC AIR FREIGHT, 201 11th Avenue, New York, NY 10001. Applicant's representative: Sheldon M. Krupnick (same address as applicant). Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carrier by railroad, express, water, air, or motor vehicle in the transportation of: *General commodities*, between points in the United States, restricted to shipments having a prior or subsequent movement by aircraft.

NOTE: Midland Forwarding Corp. holds permit No. FF-139 authorizing it to forward general commodities between various points in the United States, without the aircraft restriction.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130154 (Correction), filed August 16, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as corrected this issue. Applicant: GERALD KELLAHER, doing business as SENIOR TOURISTER TOURS, 66 Park Avenue, Hamden, CT 06517. For a license (BMC-5) to engage in operations as a *broker* at Hamden, Conn., in arranging for the transportation, in interstate or foreign commerce, of passengers and their baggage, beginning and ending at West Haven, Shelton, Wallingford, Meriden, Hamden, and New Haven, Conn. and extending to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to show that applicant intends to engage in operations as a *broker* at Hamden, Conn., in lieu of Hartford, Conn., erroneously shown in previous publication.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 100623 (Sub-No. 29), filed September 29, 1971. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th Street and Indiana Avenue, Philadelphia, PA 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines and pharmaceutical products*, from the facilities of Wyeth Laboratories, Division of American Home Products Corp., East Whiteland Township, Chester, Pa., to Philadelphia, Pa., restricted to traffic having a subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 102799, therefore dual operations may be involved. Common control may also be involved.

No. MC 136058, filed September 10, 1971. Applicant: NEIL J. NEWLAND, doing business as NEWLAND'S GARAGE, Sixth and Locust, Wellsville, Kans. 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, machinery, and farm equipment*, assembled and unassembled, between points in Kansas, Missouri, Oklahoma, Nebraska, Illinois, Texas, Iowa, and Colorado.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15686 Filed 10-29-71;8:45 am]

DEPARTMENT OF LABOR

Employment Standards
AdministrationMINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTIONModification to Area Wage Determination
Decisions for Specified Localities
in Certain States

Modification to area wage determination decisions for specified localities in Arkansas, California, Florida, Illinois, Kentucky, Maryland, Michigan, Mississippi, New Mexico, New York, Oklahoma, Virginia, Wisconsin, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1722, AM-1723, AM-1726, AM-1727, AM-1730, AM-1731, AM-1733, AM-1734	Aug. 11, 1971
AM-332, AM-342, AM-344	Aug. 13, 1971
AM-375, AM-423, AM-424, AM-425, AM-426, AM-427, AM-428, AM-429, AM-430, AM-431, AM-432, AM-433, AM-434, AM-435, AM-436, AM-437, AM-438, AM-439, AM-440, AM-441	Aug. 18, 1971
AM-453, AM-479, AM-490, AM-1842, AM-1843	Aug. 20, 1971
AM-3573, AM-3601, AM-3602, AM-3613, AM-3614	Aug. 25, 1971
AM-2525, AM-2527	Sept. 3, 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 en-

gaged 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 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 22d day of October 1971.

HORACE E. MENASCO,
Administrator, Employment
Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefit payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-5,675-56 F.R. 16735, Pulaski County, Ark., Modification No. 1</i>						
CHANGE: Modification No. 1 (36 F.R. 19631) to read "Pulaski County, Ark."						
<i>WD No. AM-2,325-56 F.R. 17708, the 46 northern California counties are all those located north of Kern and San Luis Obispo Counties and west of Inyo and Mono Counties, Calif. Modification No. 1</i>						
Alpine County						
CHANGE: Roofers: Built up; composition; slate; tile	\$6.64	\$0.45	\$0.20	\$0.75		
Calaveras and San Joaquin Counties						
CHANGE: Lathers	7.20	.25	.20	.80		
CHANGE: Roofers: Built up; composition; slate; tile	6.64	.45	.20	.75		
Del Norte and Humboldt Counties						
CHANGE: Plumbers; steamfitters	7.24	.45	1.06	.80	\$0.05	
El Dorado, Nevada, Placer, and Sierra Counties						
ADD: Plumbers; steamfitters (Lake Tahoe Area)	7.40	.30	.60	1.55	.07	
Mariposa County						
CHANGE: Plasterers	6.00	.60	.45	.75		
CHANGE: Roofers: Built up; composition; slate; tile	6.64	.45	.20	.75		
Merced County						
CHANGE: Plasterers	6.00	.60	.45	.75		
CHANGE: Roofers	6.64	.45	.20	.75		
Monterey County						
CHANGE: Lathers	7.10	.40	.40	.20	.01	
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: e. Employer contributes \$0.20 per hour to Paid Holiday Fund. Six paid Holidays: A through F.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
San Mateo County						
CHANGE: Electricians.....	8.88	.43	1% & .15		.03	
Sheet metal workers.....	8.35	.35	\$0.62		2%	
Santa Cruz County						
CHANGE: Lathers.....	7.10	.40	.49	.206	\$3.04	
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Employer contributes \$0.20 per hour to Paid Holiday Fund. Six paid Holidays: A through F.						
Stanislaus and Tuolumne Counties						
CHANGE: Plasterers.....	6.00	.60	.45	.75		
Roofers: Built up; composition; slate; tile.....	6.64	.45	.30	.75		
Felt machine operator.....	6.89	.45	.30	.75		
WD No. AM-2,587-86 F.R. 17752, 11 southern California counties: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif. Modification No. 3						
Change modification number from one to two on modification published in 36 F.R. 19283, Oct. 1, 1971. Also change:						
San Bernardino County						
CHANGE: Lathers.....	8.61	.315	.00		.015	
San Luis Obispo County						
CHANGE: Bricklayers; blocklayers; stonemasons.....	8.175	.40	.40			
Plasterers.....	7.45				.01	
Tile setters.....	8.175	.40	.40			
Santa Barbara County						
CHANGE: Bricklayers; blocklayers; stonemasons.....	8.175	.40	.40			
Tile setters.....	8.175	.40	.40			
Ventura County						
CHANGE: Electricians: Electricians.....	7.08	.35	1% & .45		25.00py	
Cable splicers.....	8.45	.35	1% & .45		25.00py	
Plasterers' tenders.....	6.86	.45	\$1.35	1.00		
WD NO. AM-453-86 F.R. 16373, Dade County, Fla. Modification No.						
Change modification number from two to one on modifications published in 36 F.R. 20076, Oct. 15, 1971. Also change:						
Electricians, welders, and equipment operators:						
Zone 1-24 mi. radius from Dade County courthouse.....	7.60	3%	1% + .20	5%	1%	
Zone 2-6 mi. radius from Zone 1.....	7.95	3%	1% + .20	5%	1%	
Zone 3-6 mi. radius from Zone 2.....	8.32	3%	1% + .20	5%	1%	
Zone 4-6 mi. radius from Zone 3.....	8.65	3%	1% + .20	5%	1%	
WD No. AM-332-86 F.R. 15166, Kane County, Ill. Modification No. 3						
CHANGE: Carpenters and ploedrivermen: Building.....	7.65	\$0.25	\$0.47			
WD No. AM-342-86 F.R. 15218, Winnebago County, Ill. Modification No. 2						
CHANGE: Ironworkers, structural.....	8.55	.25	.125		\$0.05	
Ironworkers, ornamental.....	8.55	.25	.125		.05	
Ironworkers, reinforcing.....	8.55	.25	.125		.05	
WD No. AM-544-86 F.R. 15331, Bureau, Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties, Ill. Modification No. 1						
CHANGE: Ironworkers: Lee, Ogle, Stephenson, and Winnebago Counties, the eastern one-half of Whiteside County and the remainder of Carroll and Jo Daviess Counties.....	8.55	.25	.125		.05	
WD No. AM-579-86 F.R. 16452, Fayette County, Ky. Modification No. 2						
CHANGE: Glaziers.....	6.00					
WD No. AM-1,846-86 F.R. 19245, Baltimore City and County, Md. Modification No. 3						
Change modification number from one to two on modification published in 36 F.R. 19640, Oct. 8, 1971						
WD No. AM-875-86 F.R. 16787, Berrien County, Mich. Modification No. 2						
CHANGE: Roofers: Composition, damp and waterproof.....	7.15		.30		.03	
Slate, tile, and asbestos.....	7.30		.30		.03	
Helpers.....	4.50		.30		.03	
WD No. AM-490-86 F.R. 15464, Hinds County, Miss. Modification No. 1						
CHANGE: Line construction: Linemen.....	6.24		1%		0	
Groundmen (over 1 yr.).....	3.90		1%		0	
Groundmen (less than a year).....	3.45		1%		0	
Cable splicers.....	6.54		1%		0	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-5,615-96 F.R. 16744, Bernalillo County, N. Mex. Modification No. 2</i>						
CHANGE: General building and heavy engineering construction: Asbestos workers.....	7.25	.35		\$0.42c		
Footnote: c. Includes \$0.07 contribution to Occupational Health Fund.						
<i>WD No. AM-5,614-96 F.R. 16749, Los Alamos County, N. Mex. Modification No. 2</i>						
CHANGE: General building and heavy engineering construction: Asbestos workers.....	7.25	.35		.42c		
Footnote: c. Includes \$0.07 contribution to Occupational Health Fund.						
<i>WD No. AM-1,722-96 F.R. 14912, Albany County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters, heavy and highway.....	6.72	.80	.45		.025	
<i>WD No. AM-1,725-96 F.R. 14917, Broome County, N.Y. Modification No. 3</i>						
CHANGE: Carpenters and piledrivermen, heavy and highway.....	7.02	.25	.40		.025	
<i>WD No. AM-1,726-96 F.R. 14922, Jefferson County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters: Heavy and highway: Carpenters and piledrivermen.....	7.07	.30	.30		.025	
<i>WD No. AM-1,727-96 F.R. 14928, Monroe County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters and piledrivermen, heavy and highway.....	6.77	.60	.30		.025	
<i>WD No. AM-1,730-96 F.R. 14955, Oneida County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters, heavy and highway.....	7.32	.15	.25		.025	
<i>WD No. AM-1,731-96 F.R. 14960, Onondaga County, N.Y. Modification No. 3</i>						
CHANGE: Carpenters and piledrivermen, heavy and highway.....	6.87	.40	.40		.025	
<i>WD No. AM-1,733-96 F.R. 14972, Rensselaer County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters, heavy and highway..... Soft floor layers, building.....	6.72 7.05	.50 .50	.45 .45		.025 .02	
<i>WD No. AM-1,734-96 F.R. 14976, Schenectady County, N.Y. Modification No. 2</i>						
CHANGE: Carpenters, heavy and highway.....	6.72	.50	.45		.025	
<i>WD No. AM-5,601-96 F.R. 16755, Oklahoma County, Okla. Modification No. 2</i>						
CHANGE: Marmblemasons..... Terrazzo workers..... Tile setters.....	5.60 5.60 5.60					
<i>WD No. AM-5,602-96 F.R. 16758, Tulsa County, Okla. Modification No. 2</i>						
CHANGE: Bricklayers; stonemasons.....	6.45	.30	.35	.32	.06	
<i>WD No. AM-485-96 F.R. 15966, Brown County, Wis. Modification No. 2</i>						
CHANGE: Wisconsin 5-LAB-2-3 G: Heavy and highway construction—Laborers: Group A: Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); Reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15		.02	
Group B: Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker; raker, lutemen; chain saw operators.....	5.55	.25	.15		.02	
Group E: Powderman, blaster.....	5.70	.25	.15		.02	
Group F: Pipelayer crew (sewer, water): Pipelayer..... Bottomman..... Topman.....	5.95 5.75 5.60	.25 .25 .25	.15 .15 .15		.02 .02 .02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck-mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 5—TD K:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes: a. \$54.17 per month for employee who has been on payroll 30 days or longer. b. \$10 per week. c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-124-56 F.R. 16970, Dane County, Wis. Modification No. 2						
CHANGE:						
Wisconsin 2—LAB-2-3 N:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.68	.25	.15		.02	
Group B:						
Formsetter (curb, walk and pavement); tree trimmer	5.63	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.68	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, luteman; chain saw operators	5.73	.25	.15		.02	
Group E:						
Powderman, blaster	5.78	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.03	.25	.15		.02	
Bottomman	5.83	.25	.15		.02	
Topman	5.68	.25	.15		.02	
Wisconsin 4—PEO-3-K:						
Highway construction—power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 5—TD K:						
Heavy and highway construction—truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes: a. \$54.17 per month for employee who has been on payroll 30 days or longer. b. \$10 per week. c. Includes \$0.10 employer contribution to holiday fund.						

MODIFICATIONS—Continued

Classification	Base hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
WD No. AM-485-56 F.R. 18978, Eau Claire County, Wis. Modification No. 2					
CHANGE:					
Highway construction—Power equipment operators:					
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equip.; mixer or paver (21 cu. ft. or over), pile-driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, wheel and A-frame operator.....	7.62	.25	.25	.....	.65
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.36	.25	.25	.....	.65
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.65
Belted machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.65
Fireman.....	7.11	.25	.25	.....	.65
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.65
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.65
Other; pump (over 3 in.); surge bin operator.....	6.86	.25	.25	.....	.65
Wisconsin 5—LAB-2-3 G:					
Heavy and highway construction—Laborers:					
Group A:					
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.80	.25	.15	.....	.62
Group B:					
Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15	.....	.62
Group C:					
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.62
Group D:					
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....	5.65	.25	.15	.....	.62
Group E:					
Powderman, blaster.....	5.70	.25	.15	.....	.62
Group F:					
Pipe layer crew (sewer, water):					
Pipelayer.....	5.95	.25	.15	.....	.62
Bottomman.....	4.75	.25	.15	.....	.62
Topman.....	5.60	.25	.15	.....	.62
Wisconsin 5—TD K:					
Heavy and highway construction—Truckdrivers:					
Two-axle trucks.....	5.65	a	b	.35+c	.....
Three or more axles.....	5.80	a	b	.35+c	.....
Euclds or dumper-type hauling units.....	5.80	a	b	.35+c	.....
Mechanic, truck.....	5.80	a	b	.35+c	.....
Mechanic's helpers, truck.....	5.65	a	b	.35+c	.....

Footnotes:

- a. \$54.17 per month for employee who has been on payroll 30 days or longer.
 b. \$10 per week.
 c. Includes \$0.10 employer contribution to holiday fund.

WD No. AM-486-56 F.R. 18973, Juneau County, Wis. Modification No. 2

Change:

Wisconsin 5—LAB-2-3 G:

Heavy and highway construction—Laborers:

Group A:

Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....

5.80 .25 .1562

Group B:

Formsetter (curb, walk, and pavement); tree trimmer.....

5.55 .25 .1562

Group C:

Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....

5.60 .25 .1562

Group D:

Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....

5.65 .25 .1562

Group E:

Powderman, blaster.....

5.70 .25 .1562

Group F:

Pipelayer crew (sewer, water):

Pipelayer.....

5.95 .25 .1562

Bottomman.....

4.75 .25 .1562

Topman.....

5.60 .25 .1562

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
Wisconsin 4—PEO-3-K:					
Highway construction—Power equipment operators:					
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05
Fireman	7.11	.25	.25		.05
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, loadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05
Oiler; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05
Wisconsin 5—TD K:					
Heavy and highway construction—Truckdrivers:					
Two-axle trucks	5.65	a	b	.35+c	
Three or more axles	5.80	a	b	.35+c	
Euclids or dumpster-type hauling units	5.80	a	b	.35+c	
Mechanic, truck	5.80	a	b	.35+c	
Mechanic's helpers, truck	5.65	a	b	.35+c	
Footnotes:					
a. \$54.17 per month for employee who has been on payroll 30 days or longer.					
b. \$10 per week.					
c. Includes \$0.10 employer contribution to holiday fund.					
WD No. AM-127-88 F.R. 15979, Kenosha County, Wis. Modification No. 2					
CHANGE:					
Wisconsin 24—LAB-3-3 J:					
Heavy and highway construction—Laborers:					
Group A:					
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker; Shovelers, loader, utility man	5.83	.35	.20	.25	.02
Group B:					
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker; Dumper, ironer, smoother, tamper	5.93	.35	.20	.25	.02
Group C:					
Vibrator or temper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	5.98	.35	.20	.25	.02
Group D:					
Air tool operator (hand operated)	6.03	.35	.20	.25	.02
Group E:					
Strike off man; formsetter (curb, walk, and pavement)	6.06	.35	.20	.25	.02
Group F:					
Bituminous worker; raker, luteman	6.13	.35	.20	.25	.02
Group G:					
Powderman, blaster	6.48	.35	.20	.25	.02
Group H:					
Sewer or water crew:					
Pipelayer	6.58	.35	.20	.25	.02
Bottomman	6.18	.35	.20	.25	.02
Topman	5.98	.35	.20	.25	.02
Wisconsin 4—PEO-3-K:					
Highway construction—Power equipment operators:					
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05
Fireman	7.11	.25	.25		.05
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, loadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05
Oiler; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05
Wisconsin 7—TD N:					
Heavy and highway construction—Truckdrivers:					
Two-axle trucks	5.73	a	b	.35+c	
Three or more axle trucks	5.88	a	b	.35+c	
Euclids or dumpster-type hauling units	5.88	a	b	.35+c	
Mechanics	5.88	a	b	.35+c	
Mechanic's helpers	5.73	a	b	.35+c	
Footnotes:					
a. \$54.17 per month for employee who has been on payroll 30 days or longer.					
b. \$10 per week.					
c. Includes \$0.10 contribution to holiday fund.					

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-488-80 F.R. 18984, La Crosse County, Wis. Modification No. 2						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15	.....	.02	.....
Group B:						
Formsetter (curb, walk & pavement); tree trimmer.....	5.55	.25	.15	.....	.02	.....
Group C:						
Vibrator or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated).....	5.60	.25	.15	.....	.02	.....
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....	5.65	.25	.15	.....	.02	.....
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02	.....
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02	.....
Bottom man.....	5.75	.25	.15	.....	.02	.....
Topman.....	5.60	.25	.15	.....	.02	.....
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, drag-lines; dredge, dredge engine; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.25	.25	.....	.05	.....
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.36	.25	.25	.....	.05	.....
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.05	.....
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.05	.....
Fireman.....	7.11	.25	.25	.....	.05	.....
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.05	.....
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.05	.....
Oilier; pump (over 3 in.); surge bin operator.....	6.86	.25	.25	.....	.05	.....
Wisconsin 5—TD K:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks.....	5.65	a	b	.35+c	.....	.....
Three or more axles.....	5.80	a	b	.35+c	.....	.....
Enclosed or dumpster-type hauling units.....	5.80	a	b	.35+c	.....	.....
Mechanic, truck.....	5.80	a	b	.35+c	.....	.....
Mechanic's helpers, trucks.....	5.65	a	b	.35+c	.....	.....
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 90 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-489-80 F.R. 18988, Marathon County, Wis. Modification No. 2						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15	.....	.02	.....
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15	.....	.02	.....
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.02	.....
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, luteman; chain saw operator.....	5.65	.25	.15	.....	.02	.....
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02	.....
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02	.....
Bottomman.....	5.75	.25	.15	.....	.02	.....
Topman.....	5.60	.25	.15	.....	.02	.....
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engine; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine, tugger, winch and A-frame operator.....	7.62	.25	.25	.....	.05	.....
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.36	.25	.25	.....	.05	.....
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.05	.....
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.05	.....
Fireman.....	7.11	.25	.25	.....	.05	.....
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.05	.....
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.05	.....
Oilier; pump (over 3 in.); surge bin operator.....	6.86	.25	.25	.....	.05	.....

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 5—TD K:						
Heavy and highway construction—truckdrivers:						
Two-axle trucks.....	5.65	a	b	.35+c		
Three or more axles.....	5.90	a	b	.35+c		
Euclds or dumpster-type hauling units.....	5.90	a	b	.35+c		
Mechanic, truck.....	5.90	a	b	.35+c		
Mechanic's helpers, truck.....	5.65	a	b	.35+c		
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-50-36 F.R. 15901, Milwaukee County, Wis. Modification No. 5						
CHANGE:						
Wisconsin 6—LAB-2-3 R:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker; shoveler, loader, utility man.....	5.83	.35	.25	.25	.02	
Group B:						
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker; Dumper, ironer, smoother, tamper.....	6.03	.35	.25	.25	.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator.....	5.98	.35	.25	.25	.02	
Group D:						
Air tool operator (hand operated).....	6.03	.35	.25	.25	.02	
Group E:						
Strike off man; formsetter (curb, walk, and pavement).....	6.05	.35	.25	.25	.02	
Group F:						
Bituminous worker; raker, luteman.....	6.13	.35	.25	.25	.02	
Group G:						
Powderman, blaster.....	6.48	.35	.25	.25	.02	
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rig; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (24 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.35	.25		.05	
Mixer, concrete (less than 24 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.86	.35	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.37	.35	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.35	.25		.05	
Fireman.....	7.11	.35	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25		.05	
Older; pump (over 3 in.); surge bin operator.....	6.85	.25	.25		.05	
Wisconsin 1—FD O:						
Heavy and highway construction—Truckdrivers:						
Two-axle truck.....	5.73	a	b	.35+c		
Three or more axle truck.....	5.88	a	b	.35+c		
Euclds or dumpster-type hauling units.....	5.88	a	b	.35+c		
Truck mechanic.....	5.88	a	b	.35+c		
Truck mechanic's helpers.....	5.73	a	b	.35+c		
Footnotes:						
a. \$12.50 per week for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 contribution to holiday fund.						
WD No. AM-451-36 F.R. 15397, Polk County, Wis. Modification No. 1						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.35	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer.....	5.65	.35	.15		.02	
Group C:						
Vibrator tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.35	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker; Raker, luteman; chain saw operators.....	5.55	.35	.15		.02	
Group E:						
Powderman, blaster.....	5.70	.35	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15		.02	
Bottomman.....	5.75	.25	.15		.02	
Topman.....	5.60	.25	.15		.02	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Beltline machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chopper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oilier; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 5—TD K:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes: a. \$54.17 per month for employee who has been on payroll 30 days or longer. b. \$10 per week. c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-452-36 F.R. 10000, Racine County, Wis., Modification No. 3						
CHANGE:						
Wisconsin 17—LAB-2-3 K:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker; Shoveler, loader, utility man	5.83	.35	.20	.20	.02	
Group B:						
Puddler (concrete paving); batch truck dumper or cement handler; Bituminous worker; Dumper, ironer, smoother, tamper	5.93	.35	.20	.20	.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	5.98	.35	.20	.20	.02	
Group D:						
Air tool operator (hand operated)	6.03	.35	.20	.20	.02	
Group E:						
Strike off man; formsetter (curb, walk, and pavement)	6.08	.35	.20	.20	.02	
Group F:						
Bituminous worker; raker, luteman	6.13	.35	.20	.20	.02	
Group G:						
Powderman, blaster	6.48	.35	.20	.20	.02	
Group H:						
Sewer or water crew:						
Pipelayer	6.58	.35	.20	.20	.02	
Bottomman	6.18	.35	.20	.20	.02	
Topman	5.98	.35	.20	.20	.02	
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Beltline machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chopper; tank car heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oilier, pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 7—TD N:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks	5.73	a	b	.35+c		
Three or more axle trucks	5.88	a	b	.35+c		
Euclids or dumpster-type hauling units	5.88	a	b	.35+c		
Mechanics	5.88	a	b	.35+c		
Mechanic's helpers	5.73	a	b	.35+c		

Footnotes:
a. \$54.17 per month for employee who has been on payroll 30 days or longer.
b. \$10 per week.
c. Includes \$0.10 contribution to holiday fund.

MODIFICATIONS—Continued

Classifications	Base hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-43-36 F.R. 10005, Rock County, Wis. Modification No. 1</i>						
Change modification number from two to three on modification published in 36 F.R. 19653, Oct. 8, 1971.						
Also change:						
Wisconsin 5—LAB-2-3 G:						
Heavy and highway construction—laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shovel, loader, utility man.....	5.80	.25	.15	.....	.02
Group B:						
Formsetter (curb, walk and pavement); tree trimmer.....	5.85	.25	.15	.....	.02
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.02
Group D:						
Demolition burning torch laborer; bituminous worker: Baker, luteman; chain saw operators.....	5.65	.25	.15	.....	.02
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02
Bottomman.....	5.75	.25	.15	.....	.02
Topman.....	5.60	.25	.15	.....	.02
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatmen; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, drag-lines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.25	.25	.....	.05
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.35	.25	.25	.....	.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.05
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); lanch mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.05
Fireman.....	7.11	.25	.25	.....	.05
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.05
Oilier; pump (over 3 in.); surge bin operator.....	6.86	.25	.25	.....	.05
Wisconsin 5—TD K:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks.....	5.66	a	b	.25+c	.....
Three or more axles.....	5.80	a	b	.25+c	.....
Euclids or dumpster-type hauling units.....	5.80	a	b	.25+c	.....
Mechanic, truck.....	5.80	a	b	.25+c	.....
Mechanic's helpers, truck.....	5.66	a	b	.25+c	.....

Footnotes:

- a. \$54.17 per month for employee who has been on payroll 30 days or longer.
 b. \$10 per week.
 c. Includes \$0.10 employer contribution to holiday fund.

WD No. AM-43-36 F.R. 10008, Waukesha County, Wis. Modification No. 2

CHANGE:

Wisconsin 1—LAB-2-3 K:

Heavy and highway construction—Laborers:

Group A:

Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker: Shovel, loader, utility man.....

5.83 .25 .25 .25 .02

Group B:

Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker: Dumper, ironer, smoother, tamper.....

5.93 .25 .25 .25 .02

Group C:

Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator.....

5.98 .25 .25 .25 .02

Group D:

Air tool operator (hand operated).....

6.03 .25 .25 .25 .02

Group E:

Strike off man; formsetter (curb, walk and pavement).....

6.08 .25 .25 .25 .02

Group F:

Bituminous worker; raker, luteman.....

6.13 .25 .25 .25 .02

Group G:

Powderman, blaster.....

6.48 .25 .25 .25 .02

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rig; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator						
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.62	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.36	.25	.25		.05	
Belted machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.27	.25	.25		.05	
Fireman	7.19	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chopper; tank car heater operator	7.11	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	7.07	.25	.25		.05	
Oilier; pump (over 3 in.); surge bin operator	6.98	.25	.25		.05	
Oilier; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 4—TD O:						
Heavy and highway construction—Truckdrivers:						
Two-axle truck	5.73	a	b	.35+c		
Three or more axle truck	5.88	a	b	.35+c		
Euclids or dumpster-type hauling units	5.88	a	b	.35+c		
Truck mechanic	5.88	a	b	.35+c		
Truck mechanics' helpers	5.73	a	b	.35+c		
Footnotes:						
a. \$12.50 per week for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 contribution to holiday fund.						
WD No. AM-45-88 F.R. 10013, Winnebago County, Wis. Modification No. 3						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Heavy and highway construction—Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filer (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumpster, ironer, smoother, tamper, shoveler, loader, utility man						
	5.50	.25	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer						
	5.55	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operated (hand operated)						
	5.60	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker; Raker, lutemen; chain saw operators						
	5.55	.25	.15		.02	
Group E:						
Powderman, blaster						
	5.70	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	5.95	.25	.15		.02	
Bottomman	5.75	.25	.15		.02	
Topman	5.60	.25	.15		.02	
Wisconsin 4—PEO-3-K:						
Highway construction—Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rig; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator						
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.62	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.36	.25	.25		.05	
Belted machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.27	.25	.25		.05	
Fireman	7.19	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chopper; tank car heater operator	7.11	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	7.07	.25	.25		.05	
Oilier; pump (over 3 in.); surge bin operator	6.98	.25	.25		.05	
Oilier; pump (over 3 in.); surge bin operator	6.86	.25	.25		.05	
Wisconsin 5—TD K:						
Heavy and highway construction—Truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pentious	Vacation	App. Tr.	Other
<i>WD No. AM-430-36 F.R. 16017, Ashland, Bayfield, Burnett, Douglas, Forest, Iron, Lincoln, Oneida, Price, and Rusk Counties, Wis., Modification No. 1</i>						
CHANGE:						
Wisconsin 5—LAB-2-2 G:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15	.....	.02
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15	.....	.02
Group C:						
Vibrator tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.02
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, luteman; chain saw operators.....	5.65	.25	.15	.....	.02
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02
Bottomman.....	5.75	.25	.15	.....	.02
Topman.....	5.60	.25	.15	.....	.02
Wisconsin 4—PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and plover, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; calson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over); piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.25	.25	.....	.05
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.96	.25	.25	.....	.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.05
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.05
Fireman.....	7.11	.25	.25	.....	.05
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.05
Oilier; pump (over 3 in.); surge bin operator.....	6.80	.25	.25	.....	.05
Wisconsin 5—TD K:						
Truckdrivers:						
Two-axle trucks.....	5.65	a	b	.35+c	.....
Three or more axles.....	5.80	a	b	.35+c	.....
Euclid or dumpster-type hauling units.....	5.80	a	b	.35+c	.....
Mechanic, truck.....	5.80	a	b	.35+c	.....
Mechanic's helpers, truck.....	5.65	a	b	.35+c	.....

Footnotes:

a. \$24.17 per month for employee who has been on payroll 30 days or longer.

b. \$10 per week.

c. Includes \$0.10 employer contribution to holiday fund.

WD No. AM-457-36 F.R. 16080, Barron, Buffalo, Chippewa, Clark, Dunn, Pepin, Pierce, St. Croix, and Trempealeau Counties, Wis., Modification No. 1

CHANGE:

Wisconsin 5—LAB-2-3 G:

Laborers:

Group A:

Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....

5.50

.25

.15

.....

.02

Group B:

Formsetter (curb, walk, and pavement); tree trimmer.....

5.55

.25

.15

.....

.02

Group C:

Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....

5.60

.25

.15

.....

.02

Group D:

Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....

5.65

.25

.15

.....

.02

Group E:

Powderman, blaster.....

5.70

.25

.15

.....

.02

Group F:

Pipelayer crew (sewer, water):

Pipelayer.....

5.95

.25

.15

.....

.02

Bottomman.....

5.75

.25

.15

.....

.02

Topman.....

5.60

.25

.15

.....

.02

MODIFICATIONS—Continued

Classifications	Base hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 4—PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.06	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.06	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.06	
Belting machine; barkap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.06	
Fireman	7.11	.25	.25		.06	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.06	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.06	
Oilier; pump (over 3 in.); surge bin operator	6.86	.25	.25		.06	
Wisconsin 5—TD K:						
Truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-438-56 F.R. 10023, Adams, Green Lake, Langlade, Marquette, Menominee, Portage, Shawano, Waupaca, Waushara, and Wood Counties, Wis. Modification No. 1						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.50	.25	.15		.02	
Group B:						
Formssetter (curb, walk, and pavement); tree trimmer	5.55	.25	.15		.03	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.90	.25	.15		.20	
Group D:						
Demolition burning torch laborer; bituminous worker; Raker, lutemen; chain saw operators	5.65	.25	.15		.02	
Group E:						
Powderman, blaster	5.70	.25	.15		.03	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	5.95	.25	.15		.02	
Bottomman	5.75	.25	.15		.03	
Topman	5.50	.25	.15		.03	
Wisconsin 4—PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.06	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.06	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.06	
Belting machine; barkap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.06	
Fireman	7.11	.25	.25		.06	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.07	.25	.25		.06	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	6.98	.25	.25		.06	
Oilier; pump (over 3 in.); surge bin operator	6.86	.25	.25		.06	
Wisconsin 5—TD K:						
Truckdrivers:						
Two-axle trucks	5.65	a	b	.35+c		
Three or more axles	5.80	a	b	.35+c		
Euclids or dumpster-type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-489-89 F.R. 16624, Crawford, Columbia, Dodge, Grant, Green, Iowa, Jackson, Jefferson, Lafayette, Monroe, Richland, Sauk, and Vernon Counties, Wis. Modification No. 1</i>						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15	.....	.02
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15	.....	.02
Group C:						
Vibrator tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.02
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....	5.65	.25	.15	.....	.02
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02
Bottomman.....	5.75	.25	.15	.....	.02
Topman.....	5.60	.25	.15	.....	.02
Wisconsin 4—PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; calson rig; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over); pile-driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.25	.25	.....	.05
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.36	.25	.25	.....	.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25	.....	.05
Belting machine; haulap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25	.....	.05
Fireman.....	7.11	.25	.25	.....	.05
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25	.....	.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25	.....	.05
Oilier; pump (over 3 in.); surge bin operator.....	6.86	.25	.25	.....	.05
Wisconsin 5—TD K:						
Truckdrivers:						
Two-axis trucks.....	5.65	a	b	.35+c	.....
Three or more axes.....	5.80	a	b	.35+c	.....
Enuels or dumpster-type hauling units.....	5.80	a	b	.35+c	.....
Mechanic, truck.....	5.89	a	b	.35+c	.....
Mechanic's helpers, truck.....	5.65	a	b	.35+c	.....
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						
<i>WD No. AM-440-89 F.R. 16626, Calumet, Door, Florence, Kewaunee, Manitowish, Marinette, Oconto, and Outagamie Counties, Wis. Modification No. 1</i>						
CHANGE:						
Wisconsin 5—LAB-2-3 G:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man.....	5.50	.25	.15	.....	.02
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer.....	5.55	.25	.15	.....	.02
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated).....	5.60	.25	.15	.....	.02
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators.....	5.65	.25	.15	.....	.02
Group E:						
Powderman, blaster.....	5.70	.25	.15	.....	.02
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer.....	5.95	.25	.15	.....	.02
Bottomman.....	5.75	.25	.15	.....	.02
Topman.....	5.60	.25	.15	.....	.02

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr. Other
Wisconsin 4—PEO-3-K:					
Power equipment operators:					
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy); trenching machine; tugger, winch and A-frame operator					
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.02	.25	.25		.05
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.36	.25	.25		.05
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curling machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.27	.25	.25		.05
Fireman	7.19	.25	.25		.05
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator	7.11	.25	.25		.05
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator	7.07	.25	.25		.05
Other; pump (over 3 in.); surge bin operator	6.98	.25	.25		.05
	6.80	.25	.25		.05
Wisconsin 5—TD K:					
Truckdrivers:					
Two-axle trucks	5.05	a	b	.35+0	
Three or more axles	5.88	a	b	.35+0	
Euclids or dumpster-type hauling units	5.80	a	b	.35+0	
Mechanic, truck	5.80	a	b	.35+0	
Mechanic's helpers, truck	5.65	a	b	.35+0	
Footnotes:					
a. \$54.17 per month for employee who has been on payroll 30 days or longer.					
b. \$10 per week.					
c. Includes \$0.10 employer contribution to holiday fund.					
WD No. AM-41-35 F.R. 10039, Fond du Lac, Ozaukee, Sheboygan, Walworth, and Washington Counties, Wis., Modification No. 1					
CHANGE:					
Wisconsin 1—LAB-2-3 K:					
Laborers:					
Group A:					
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guardrail builder; demolition and wrecking laborer; bituminous worker; shoveler, loader, utility man					
	5.83	.35	.25	.25	.02
Group B:					
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker; Dumper, ironer, smoother, tamper					
	5.93	.35	.25	.25	.02
Group C:					
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator					
	5.98	.35	.25	.25	.02
Group D:					
Air tool operator (hand operated)					
	6.03	.35	.25	.25	.02
Group E:					
Strike off man; formsetter (curb, walk, and pavement)					
	6.08	.35	.25	.25	.02
Group F:					
Bituminous worker; raker, luteman					
	6.13	.35	.25	.25	.02
Group G:					
Powderman, blaster					
	6.48	.35	.25	.25	.02
Fond du Lac, Sheboygan, and Walworth Counties					
Wisconsin 5—LAB-2-3 G:					
Laborers:					
Group A:					
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guardrail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker; Dumper, ironer, smoother, tamper, shoveler, loader, utility man					
	5.50	.25	.15		.02
Group B:					
Formsetter (curb, walk and pavement); tree trimmer					
	5.55	.25	.15		.02
Group C:					
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)					
	5.60	.25	.15		.02
Group D:					
Demolition burning torch laborer; bituminous worker; Raker, luteman; chain saw operators					
	5.65	.25	.15		.02
Group E:					
Powderman, blaster					
	5.70	.25	.15		.02
Group F:					
Pipelayer crew (sewer, water):					
Pipelayer	5.95	.25	.15		.02
Bottomman	5.75	.25	.15		.02
Topman	5.60	.25	.15		.02

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Wisconsin 4—PEO-3-K:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto sub-grader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rig; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy-duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy-duty, equipment; mixer or paver (21 cu. ft. or over), piledriver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator.....	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less).....	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine.....	7.27	.25	.25		.05	
Beltting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curling machine or power subgrader; forklift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light).....	7.19	.25	.25		.05	
Fireman.....	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, leadman; mudjacks; stump chipper; tank car heater operator.....	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller, farm tractor towed; pug mill operator.....	6.98	.25	.25		.05	
Oil; pump (over 3 in.); surge bin operator.....	6.86	.25	.25		.05	
Ozaukee and Washington Counties						
Wisconsin 1-TD O:						
Truckdrivers:						
Two-axle truck.....	5.73	a	b	.35 + c		
Three or more axle truck.....	5.88	a	b	.35 + c		
Euclids or dumpster-type hauling units.....	5.88	a	b	.35 + c		
Truck mechanic.....	5.88	a	b	.35 + c		
Truck mechanics' helpers.....	5.73	a	b	.35 + c		
Footnotes:						
a. \$12.50 per week for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 contribution to holiday fund.						
Fond du Lac, Sheboygan, and Walworth Counties						
Wisconsin 5—TD K:						
Truckdrivers:						
Two-axle trucks.....	5.65		b	.35 + c		
Three or more axles.....	5.80		b	.35 + c		
Euclids or dumpster-type hauling units.....	5.80		b	.35 + c		
Mechanic, truck.....	5.80		b	.35 + c		
Mechanic's helpers, truck.....	5.65		b	.35 + c		
Footnotes:						
a. \$54.17 per month for employee who has been on payroll 30 days or longer.						
b. \$10 per week.						
c. Includes \$0.10 employer contribution to holiday fund.						
WD No. AM-1, 845-56 F.R. 16258, Montgomery and Prince Georges Counties, Md.; City of Alexandria, Va.; Arlington County, Va.; Dulles International Airport. Modification No. 1						
CHANGE:						
Building construction:						
Terrazo workers' helpers.....	5.85	e	.20			
Tile setters' helpers.....	5.85	e	.20			
Sheet metal workers.....	7.50	.545	.545		.04	
Footnote:						
e. Employer contributes \$37.92 per man per month.						
WD No. AM-1, 845-56 F.R. 16251, Washington, D.C. Modification No. 1						
CHANGE:						
Building construction:						
Terrazo workers' helpers.....	5.85	e	.20			
Tile setters' helpers.....	5.85	e	.20			
Sheet metal workers.....	7.50	.545	.545		.04	
Footnote:						
e. Employer contributes \$37.92 per man per month.						

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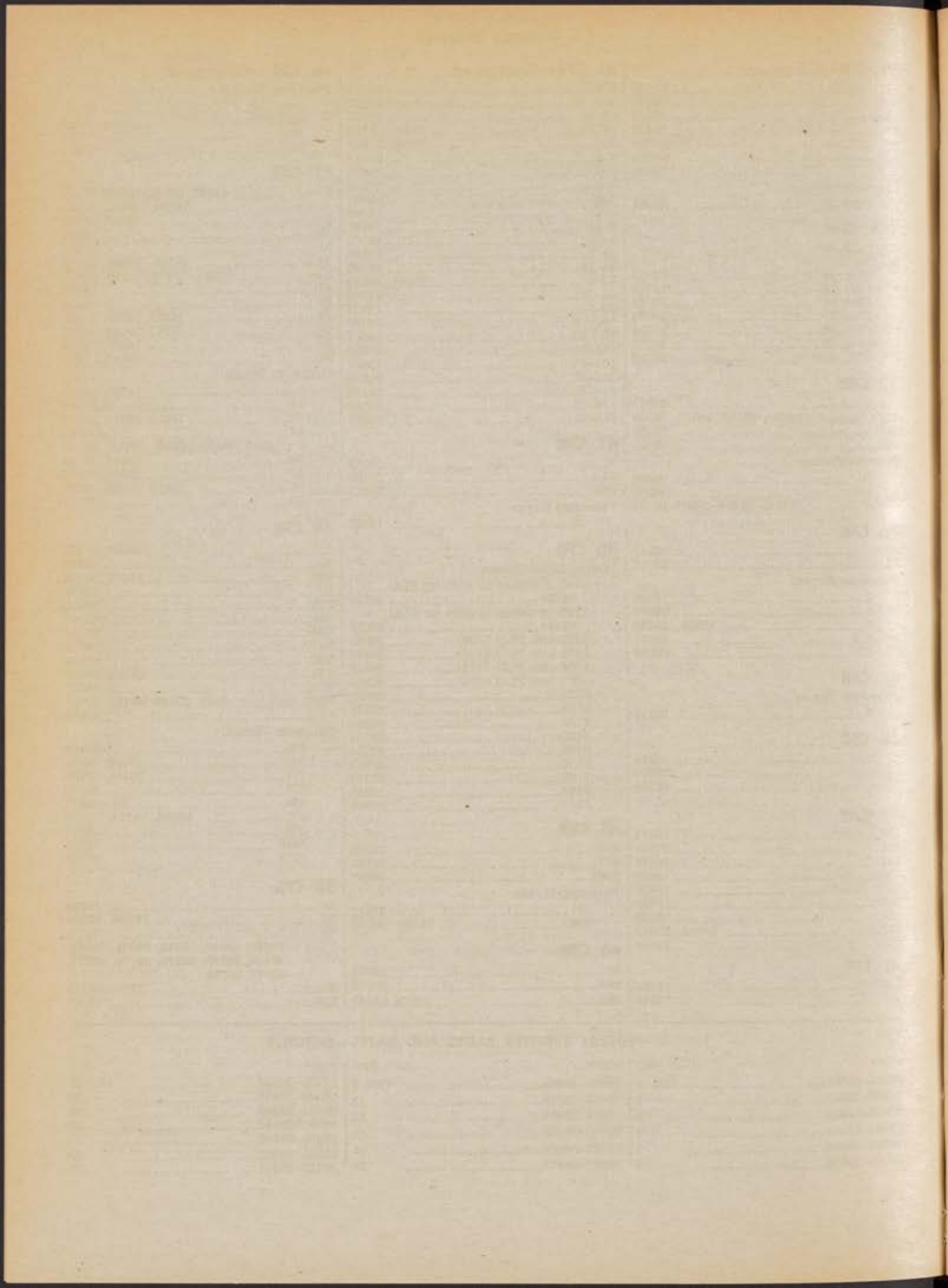
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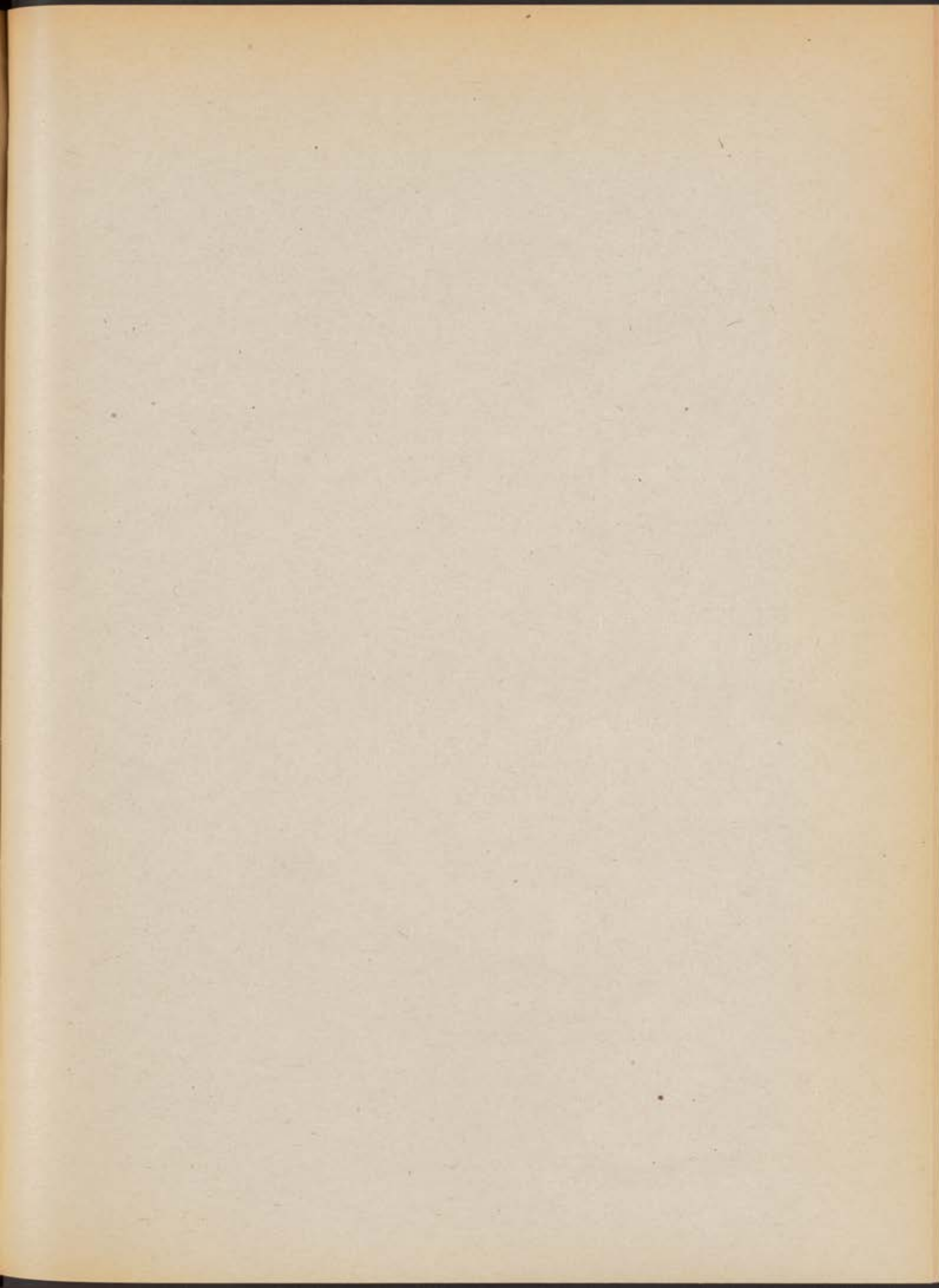
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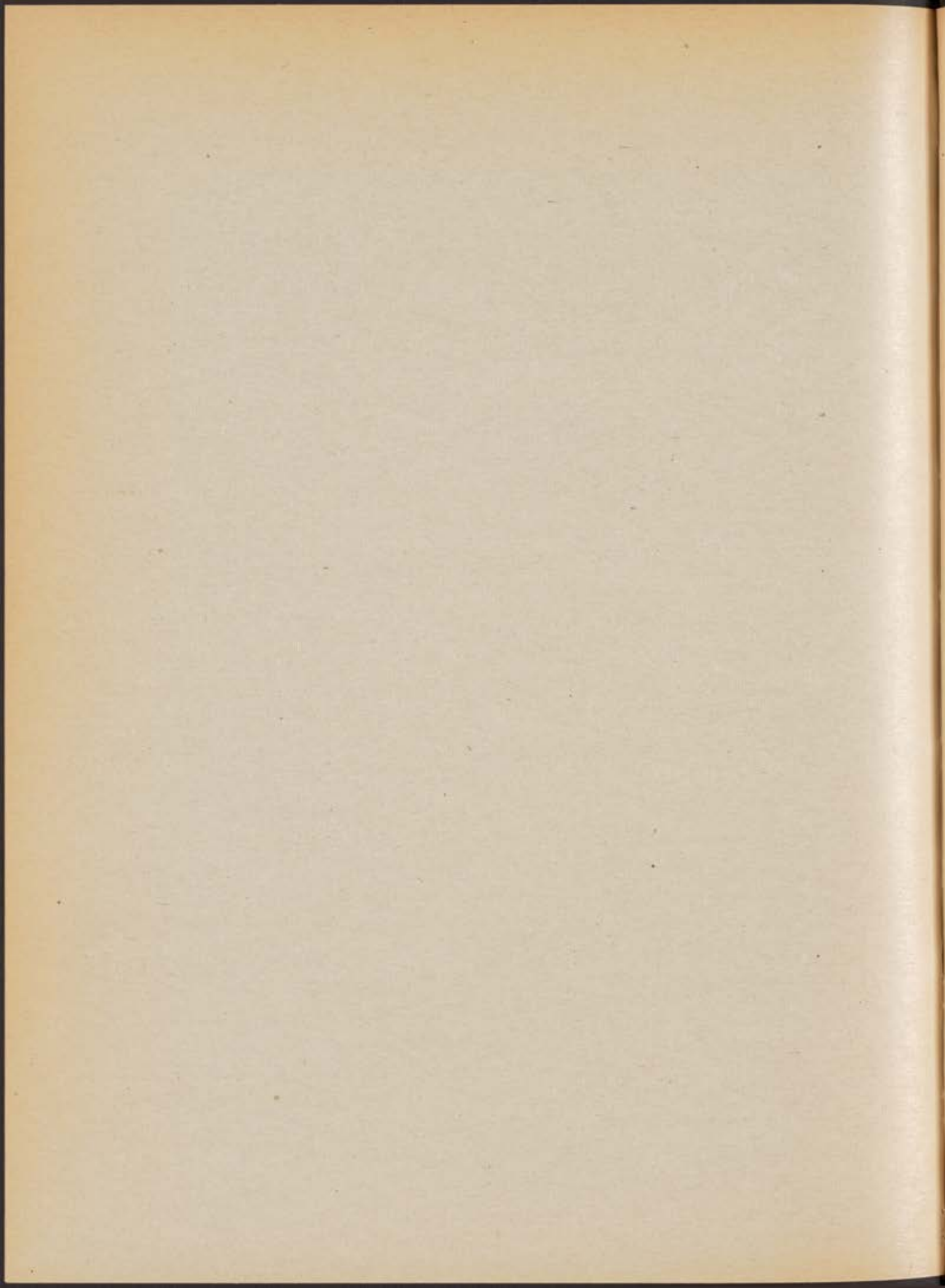
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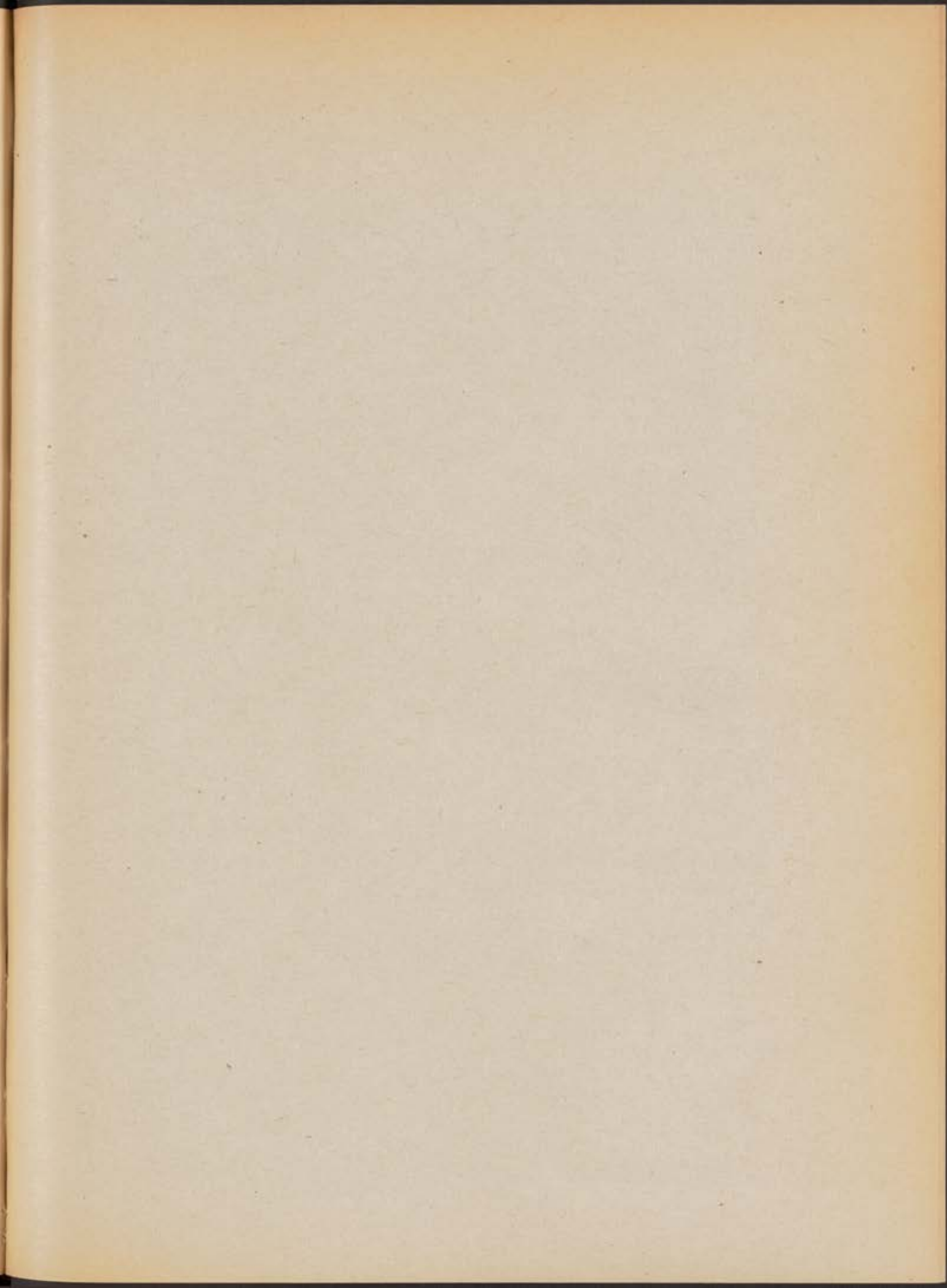
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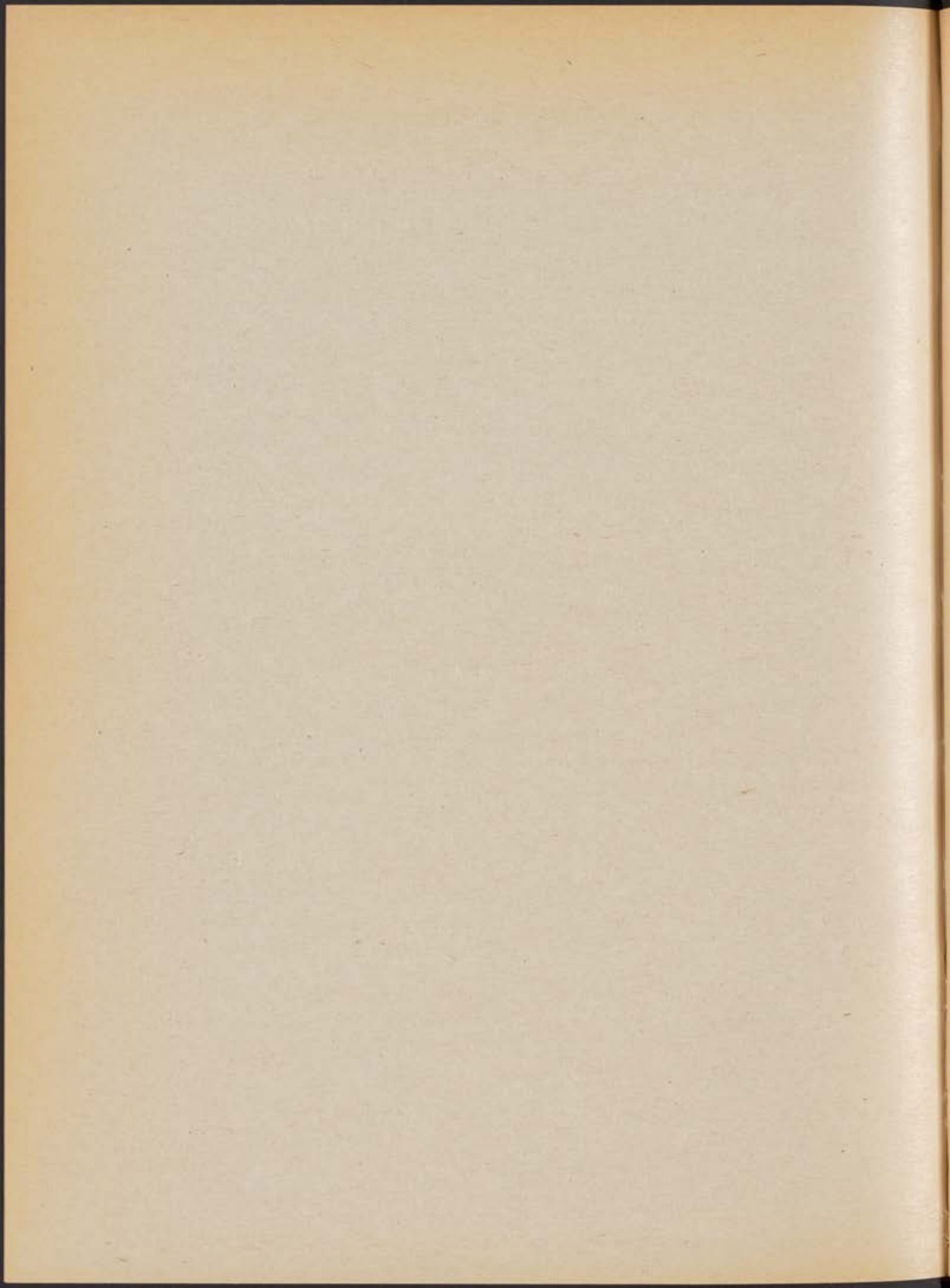
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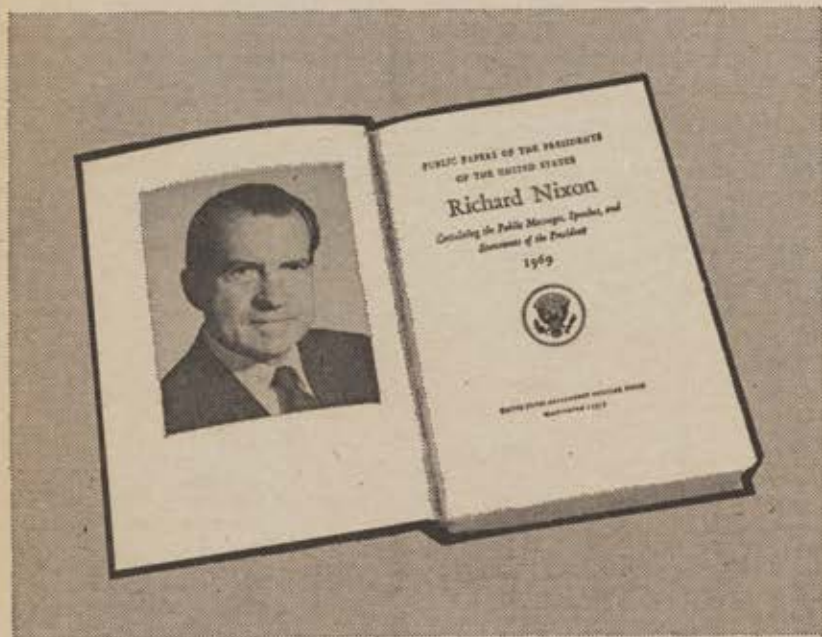


THE HISTORY OF THE PARISH OF ST. MARY'S

The parish of St. Mary's was first mentioned in the Domesday Book in 1086. It was then a small hamlet with a few scattered cottages. The church was built in the thirteenth century and was dedicated to the Virgin Mary. The parish was part of the manor of St. Mary's and was subject to the lord of the manor. The lord of the manor was the king and the parish was one of the king's lands. The king gave the parish to the monks of the abbey of St. Mary's in 1150. The monks of the abbey were the lords of the parish and they gave the parish to the vicar of the church in 1250. The vicar of the church was the lord of the parish and he gave the parish to the parishioners in 1350. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1450. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1550. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1650. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1750. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1850. The parishioners were the lords of the parish and they gave the parish to the parishioners in 1950.

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