C-1

federal register

THURSDAY, FEBRUARY 3, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 23
Pages 2559–2636

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11642

Further Exempting A. Everette MacIntyre From Compulsory Retirement for Age

On November 16, 1970, I issued Executive Order No. 11568, exempting A. Everette MacIntyre, a member of the Federal Trade Commission, from compulsory retirement for age, under the provisions of section 8335 of title 5, United States Code, until February 29, 1972.

In my judgment, the public interest requires that Mr. MacIntyre be further exempted from such compulsory retirement:

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5, United States Code, I hereby exempt A. Everette MacIntyre from compulsory retirement for age until February 28, 1973.

Richard Nixon

THE WHITE HOUSE,
February 1, 1972.

[FR Doc.72-1675 Filed 2-1-72;2:45 pm]

MEMORANDUM OF JANUARY 27, 1972

Delegation of Functions Under Section 505 of Public Law 92–156

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 27, 1972.

You are hereby designated and empowered to exercise the functions vested in the President by Section 505 of the Act of November 17, 1971 (Public Law 92–156), without the approval, ratification, or other action of the President.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.72–1603 Filed 2–2–72;11:19 am]

Rules and Regulations

Title 7—AGRICULTURE

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

[Navel Orange Reg. 254]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.554 Navel Orange Regulation 254.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 1, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 4, through February 10, 1927, are hereby fixed as follows:

(i) District 1: 913,000 Cartons.

(ii) District 2: 187,000 Cartons.

(iii) District 3: Unlimited.

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

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

Dated: February 2, 1972.

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

[FR Doc.72-1723 Filed 2-2-72;11:30 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING LIQUIDATION

[FHA Instruction 462.2]

PART 1871—CHATTEL SECURITY

Subpart C—Security Servicing of Special Livestock Loans

DELETION OF SUBPART

Subpart C of Part 1871—Security Servicing for Special Livestock Loans (31 F.R. 14223) is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The procedure for servicing Special Livestock loans has been incorporated in Subparts A and B of this part (36 F.R. 1110, 1118).

(Sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: January 27, 1972.

JOSEPH HASPRAY,
Deputy Adiministrator, Farmers Home Administration.

[FR Doc.72-1602 Filed 2-2-72;8:49 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5, Amdt. 1]

PART 120—LOAN POLICY

Business Loans and Guarantees

On December 9, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 23402) that the Small Business Administration proposed to make a change in loan policy pertaining to financial assistance for amusement and recreational enterprises. The public was invited to comment on, or give suggestions or objection to this proposed change in policy, within 30 days. The comments received have been considered, and the proposed amendment adopted without modification. This Amendment 1 will be effective as of the date of publication in the FEDERAL REGISTER (2–3–72), as follows:

1. Deletion of subparagraph (4) of § 120.2(d) in its entirety.

2. Substitution of a new caption for paragraph (c) of § 120.2 as follows: "Assurance of repayment, change of ownership, and recreational and amusement enterprises."

3. Add a new subparagraph to paragraph (c) of § 120.2 as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

* * * * *

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) * * *

(4) [Deleted]

* * * * *

Dated: January 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-1563 Filed 2-2-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 72-CE-3-AD, Amdt. 39-1388]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 421B Airplanes

There have been reports involving engine crankcase vent blockage on Cessna Model 421B airplanes. Moisture inside the vent will freeze during certain extreme cold weather atmospheric conditions causing blockage of the vent. This blockage will allow excessive crankcase pressure to develop and force all engine lubricating oil overboard with resultant engine failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring, on Cessna Model 421B (S/Ns 421B0001 through 421B0149) airplanes, insulation of the vent line with a protective sleeve, scarfing of the overboard vent outlet aft and the installation of a propeller shaft seal retainer, in accordance with Cessna Service Letter ME72-2 dated January 28, 1972.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provision of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

CESSNA. Applies to Model 421B (S/Ns 421B0001 through 421B0149) airplanes.

Compliance: Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent blockage of the crankcase vent line by ice with subsequent engine failure due to loss of engine oil, accomplish the following modifications in accordance with Cessna Service Letter ME72-2, dated January 28, 1972, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(A) Install a protective insulation sleeve over the crankcase vent line and scarf the vent line outlet to face aft.

(B) Install propeller shaft seal retainer on each engine.

This amendment becomes effective February 4, 1972.

(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 Kansas City, Mo., on January 25, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-1568 Filed 2-2-72;8:46 am]

[Airworthiness Docket No. 72-WE-1-AD, Amdt. 39-1389]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series and C-9A (DC-9-32F) Airplanes

There have been failures of the elevator boost cylinder rod end on McDonnell Douglas Model DC-9-10 Series airplanes that could result in jamming of the elevator. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time only inspection of the elevator boost cylinder rod end and installation of a retainer clip to prevent possible jamming on McDonnell Douglas DC-9-10, -20, -30, and -40 Series and C-9A (DC-9-32F) airplanes.

The 300-hour compliance time for the initial inspection has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD, within the time the agency has determined is necessary, makes strict compliance with the notice and public procedures provisions of the Administrative Procedure Act impracticable; therefore, this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted, in duplicate, to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, CA 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in light of the comments received. All comments will be available, both before and after the effective date, in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

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

MCDONNELL DOUGLAS: Applies to Model DC-9 (-10, -20, -30, and -40 Series and C-9A) airplanes listed in Douglas DC-9 Service Bulletin No. 27-146, Revision 1, dated December 20, 1971, or later FAA-approved revisions.

Compliance required within the next 300 hours' time in service after the effective date of the AD, unless already accomplished.

To prevent possible jamming of the elevator in the event of failure of the elevator boost cylinder rod end, accomplish the following in accordance with the procedures described in paragraph 2 of Douglas Service Bulletin 27-146, Revision 1, dated December 20, 1971, or later approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region:

A. Inspect the left and right hand elevator boost cylinder rod end assemblies, P/N 4918153-1, for cracks or a failed part and determine the material hardness of undamaged parts.

If a failed or cracked part is found or if the material hardness is below 32.5 on the Rockwell "C" Scale (145,000 p.s.i. ult. tensile strength) or above 43 on the Rockwell "C" Scale (200,000 p.s.i. ult. tensile strength), replace with a satisfactory part.

B. Modify the left and right hand side of the horizontal stabilizer assembly, left and right hand elevators and elevator hinge eyebolt, P/N YD-211-B, and

C. Install new elevator boost cylinder rod end assembly retainer, P/N 4911152-1.

This amendment becomes effective March 7, 1972.

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

Issued in Los Angeles, Calif., on January 25, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-1569 Filed 2-2-72;8:46 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-SO-3]

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

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Louisville, Ky. (Bowman Field and Standiford Field), control zones.

The Bowman Field and Standiford Field control zones are described in § 71.171 (36 F.R. 2055 and 8307). In the Bowman Field description, an extension is predicated on Bowman VOR 064° radial and is 6 miles wide and 8.5 miles long. This extension was designated to provide controlled airspace protection for IFR aircraft executing the proposed VOR RWY 24 Instrument Approach Procedure. It has been determined that the

Bowman VOR installation has been delayed until Calendar Year 1973, and this extension is no longer required. In the Standiford Field description, an extension is predicated on Louisville VOR 301° radial and is 4 miles wide and extends to 1 mile northwest of the VOR.

To facilitate and expedite the control of air traffic in this terminal complex, it is necessary to increase the length of the extension predicated on Louisville VOR 301° radial to extend to the VOR; designate an extension predicated on Louisville ILS localizer north course 3 miles wide and extending to the arc of a 5-mile-radius circle centered on Bowman Field, and designate an extension predicated on Louisville ILS localizer east course 3.5 miles wide and extending to the VOR. These actions will result in an overall reduction of approximately 20 square miles of airspace in this terminal complex. It is necessary to alter the descriptions to reflect these changes. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the following control zones are amended to read:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile-radius zone to the VOR; excluding the portion within Standiford Field control zone and the portion west of a line 1.5 miles east of and parallel to the Standiford Field ILS localizer north course.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer north course, extending from the 5-mile-radius zone to the arc of a 5-mile-radius circle centered on Bowman Field; within 1.5 miles north and 2 miles south of the ILS localizer east course, extending from the 5-mile-radius zone to 1 mile east of the VOR; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile-radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of the Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile-radius zone to the VOR; excluding the portion within Bowman Field control zone east of a line 1.5 miles east of and parallel to Standiford Field ILS localizer north course and the portion north of a line 1.5 miles north of and parallel to Standiford Field ILS localizer east course.

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

Issued in East Point, Ga., on January 20, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-1570 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-SO-153]

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

Designation of Transition Area

On November 23, 1971, F.R. Doc. 71-17053 was published in the FEDERAL REGISTER (36 F.R. 22226), amending Part 71 of the Federal Aviation Regulations by designating the Hamilton, Ala., transition area.

In the amendment, an extension was predicated on the Hamilton VORTAC 348° radial. Subsequent to publication of the rule, the final approach radial was changed to 349°. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 71-17053 is amended as follows: In line five of the Hamilton, Ala., transition area description "* * * 348° * * *" is deleted and "* * * 349° * * *" is substituted therefor.

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

Issued in East Point, Ga., on January 20, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-1571 Filed 2-2-72;8:46 am]

[Airspace Docket No. 72-WA-3]

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

Revocation of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Control 1180.

Control 1180 (37 F.R. 727) was designated on a temporary basis to provide for the movement of Oceanic air traffic into and from the New York terminal area.

This control area was necessitated due to curtailment of Air Traffic Control in Canadian airspace due to a strike by Canadian Air Traffic Controllers.

The Federal Aviation Administration (FAA) has been advised that the Canadian controllers strike has now been terminated and that normal movement of air traffic within Canadian airspace has resumed. Accordingly, action is taken herein to revoke Control 1180.

Since the situation which required the adoption of the amendment to designate the Control 1180 has been terminated, it is found that notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0500 G.m.t., January 29, 1972, as hereinafter set forth.

In § 71.163 (37 F.R. 727, 2048), Control 1180 is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1343(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 28, 1972.

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

[FR Doc.72-1572 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WE-57]

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

Alteration of Control Zone and Transition Area

On December 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23830) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Fort Huachuca, Ariz., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes.

Change the FEDERAL REGISTER citations for the control zone and transition area to read "§ 71.171 (37 F.R. 2056)" and "§ 71.181 (37 F.R. 2143)" respectively.

Effective date. These amendments shall be effective 0901 G.m.t., March 30, 1972.

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

Issued in Los Angeles, Calif., on January 20, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Fort Huachuca control zone is amended to read as follows:

FORT HUACHUCA, ARIZ.

Within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 5 miles each side of the Libby AAF VOR 093° radial, extending from the VOR to 12 miles east of the VOR. This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (37 F.R. 2143) the description of the Fort Huachuca, Ariz., transition area is amended to read as follows:

FORT HUACHUCA, ARIZ.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), that airspace within an arc of a 22-mile radius circle centered on the Libby AAF VOR, extending clockwise from a line 5 miles northwest of and parallel to the 033° radial of the Libby AAF VOR to a line 5 miles south of and parallel to the Libby AAF VOR 093° radial; that airspace extending upward from 1,200 feet above the surface bounded on the north by the Tucson, Ariz., transition area, on the northeast by the southwest edge of V-66, on the east by longitude 109°44'00" W., on the south by latitude 31°25'00" N., on the west by longitude 110°30'00" W., and that airspace northeast of Libby AAF bounded on the north by the south edge of V-16S, on the east by a line 5 miles west of and parallel to the Douglas, Ariz., VORTAC 347° radial, on the southwest by the northeast edge of V-66 and on the west by longitude 110°-00'00" W.

[FR Doc.72-1573 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WE-60]

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

Alteration of Control Zone and Transition Area

On December 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24006) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Bakersfield, Calif., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. One objection was received but was subsequently withdrawn.

In the notice it was stated that the control zone extension to the north would no longer be required. This was based upon the intent to cancel the VOR-1 instrument approach procedure for Meadows Field. This procedure has been modified and retained, however, additional 700-foot transition area is required to provide controlled airspace protection for aircraft executing the procedure while operating between 1,500 feet and 1,000 feet above the surface. The control zone extension is no longer required.

Further review of the airspace requirements indicated that the proposed control zone extension to the southeast could be substantially reduced; 700-foot transition area would be required in lieu thereof for the NDB, ILS, and VOR approaches for Runway 30. This portion of 700-foot transition area would be slightly less than the currently designated underlying 700-foot portion and in addition to that proposed.

Since these additional changes are less restrictive than the proposed amendments and impose no additional burden on any person, further notice and public procedure hereon is unnecessary.

In consideration of the foregoing the descriptions of the Bakersfield, Calif., control zone and transition area are amended to reflect these changes.

In § 71.171 (37 F.R. 2056) the description of the Bakersfield, Calif., control zone is amended to read as follows:

BAKERSFIELD, CALIF.

Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35°25'40" N., longitude 119°03'05" W.), within 1 mile each side of the Bakersfield ILS localizer northwest course, extending from the 5-mile-radius zone to 11.5 miles northwest of the Bakersfield LOM and within 2 miles each side of the Bakersfield ILS localizer southeast course, extending from the 5-mile-radius zone to the Bakersfield LOM.

In § 71.181 (37 F.R. 2143) the description of the Bakersfield, Calif., transition area is amended to read as follows:

BAKERSFIELD, CALIF.

That airspace extending upward from 700 feet above the surface within 4.5 miles each side of the Bakersfield ILS localizer southeast course, extending from an arc of a 5-mile-radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 39°25'40" N., longitude 119°03'05" W.) to 7 miles southeast of the LOM, within 4.5 miles each side of the Bakersfield VORTAC 144° radial, extending from an arc of a 5-mile-radius circle centered on Meadows Field to 17.5 miles southeast of the VORTAC, within 4.5 miles each side of the Bakersfield ILS localizer northwest course, extending from an arc of a 5-mile-radius circle centered on Meadows Field to 21.5 miles northwest of the LOM and within 4.5 miles each side of the Bakersfield VORTAC 338° radial, extending from the VORTAC to 13 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 36°00'00" N., on the east by longitude 118°45'00" W., on the south by latitude 35°05'00" N., and on the west by a line extending from latitude 35°05'00" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 119°30'00" W. to latitude 36°00'00" N., longitude 119°30'00" W.

Effective date. These amendments shall be effective 0901 G.m.t., March 30, 1972.

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

Issued in Los Angeles, Calif., on January 21, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-1574 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WA-15A]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On May 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 12 Pacific Gateway routes to connect the domestic route system with oceanic routes.

Eight of the 12 routes were designated, effective November 11, 1971. The remaining four routes, J946R, J962R, J963R, and J964R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The reference facility for the Morrow, Calif., waypoint in J946R has been changed from the one proposed in the notice to the one used in the designation of J800R, J933R, and J944R. The reference facility for the Palmdale, Calif., waypoint in J963R has also been changed to the same as used in the designation of J945R, J947R, and J961R. Neither of these changes relocates the waypoints or associated routes.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	N. Lat./W. Long.	Reference facility
J946R MORROW, Calif., TO GATEWAY YUCCA, Calif.		
Morrow, Calif.	34°02'51"/117°14'54"	Oceanside, Calif.
Santa Catalina, Calif.	33°22'30"/118°25'08"	Los Angeles, Calif.
Rosi, Calif.	31°56'00"/120°15'00"	Do.
Yucca, Calif.	31°35'00"/121°22'00"	Do.
J962R GATEWAY YUCCA, Calif., TO PARIA, Ariz.		
Yucca, Calif.	31°35'00"/121°22'00"	Los Angeles, Calif.
Santa Catalina, Calif.	33°22'30"/118°25'08"	Do.
Rabbitt, Calif.	34°44'09"/117°08'00"	Hector, Calif.
Sanup, Ariz.	36°08'19"/113°51'29"	Peach Springs, Ariz.
Paria, Ariz.	36°53'51"/111°55'43"	Bryce Canyon, Utah.
J963R GATEWAY PINE, Calif., TO PARIA, Ariz.		
Pine, Calif.	34°13'00"/123°03'00"	San Luis Obispo, Calif.
San Luis Obispo, Calif.	35°15'08"/120°45'31"	Do.
Palmdale, Calif.	34°37'53"/118°03'47"	Palmdale, Calif.
Rabbitt, Calif.	34°44'09"/117°08'00"	Hector, Calif.
Sanup, Ariz.	36°08'19"/113°51'29"	Peach Springs, Ariz.
Paria, Ariz.	36°53'51"/111°55'43"	Bryce Canyon, Utah.
J964R COALDALE, Nev., TO GATEWAY APRICOT, Calif.		
Coaldale, Nev.	38°00'12"/117°46'10"	Coaldale, Nev.
Buckhorn, Calif.	37°40'09"/119°59'55"	Fresno, Calif.
Merle, Calif.	37°11'16"/122°47'08"	Oakland, Calif.
Apricot, Calif.	36°15'00"/124°50'00"	Do.

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

Issued in Washington, D.C., on January 28, 1972.

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

[FR Doc.72-1575 Filed 2-2-72;8:46 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11679, Amdt. 95-216]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 2, 1972 as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, to, and MEA

Coghlan Island, Alaska, LF/RBN; Haines, Alaska, LF/RBN; *9,000. *8,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Tech INT, Ga.; Kennesaw INT, Ga.; *3,300. *3,000—MOCA.
Lehigh INT, Ala.; Gadsden, Ala., VOR; 3,000.
Lewis INT, Ala.; Talladega, Ala., VOR; *3,000. *2,600—MOCA.
Talladega, Ala., VOR; Graham INT, Ala.; 4,000.
Gossett INT, Ala.; LaGrange, Ga., VOR; *4,000. *2,900—MOCA.
Gorman DME Fix, Calif.; Arvin INT, Calif.; 6,000.
Gorman, Calif., VOR; Gorman DME Fix, Calif.; 9,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Natchez, Miss., VOR; Alto INT, La.; *3,000. *1,400—MOCA.
Natchez, Miss., VOR via R 290° HEZ/R 180° MLU; Monroe INT, La.; 3,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Toccoa, Ga., VOR; Biltmore, N.C., RBN; 8,300.
INT SBA VOR R 102° and VTU VOR R 015°; Los Angeles, Calif., VOR; *8,000. *5,100—MOCA.

Puerto Rico Routes

Section 95.1001 *Direct routes—United States.*

Route 2 is amended to read in part:
Pueblo INT, P.R.; *Beach INT, P.R.; 2,000. *7,500—MRA.
Beach INT, P.R.; San Juan, P.R., VORTAC; 2,000.

From/to; total distance; changeover point distance from geographic location; track angle; MEA and MAA.

J839R is amended to read:
Kings, Ga., W/P, Sinclair, Ga., W/P; 168; 84, Kings, 31°55'22" N., 82°37'55" W.; 328°/148° to COP, 328°/148° to Sinclair; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

J914R is amended to read in part:
Alexandria, La., VORTAC, New Orleans, La., VORTAC; 141.1; 70.5, Alexandria, 30°35'57" N., 91°14'18" W.; 114°/294° to COP, 115°/295° to New Orleans; 18,000; 45,000.

J917R is amended to read in part:
Boulder City, Nev., W/P, Sycamore, Ariz., W/P; 125.9; 62.9, Boulder City, 35°18'49" N., 113°53'07" W.; 115°/295° to COP, 116°/296° to Sycamore; 18,000; 45,000.
Sycamore, Ariz., W/P, Phoenix, Ariz., VORTAC; 88.1; 35, Sycamore, 34°09'04" N., 112°30'33" W.; 128°/308° to COP, 130°/310° to Phoenix; 18,000; 45,000.

J933R is amended to read in part:
Wichita Falls, Tex., VORTAC, Texico, N. Mex., VORTAC; 213.4; 106.7, Wichita Falls, 34°-15'39" N., 100°42'35" W., 269°/089° to COP, 266°/086° to Texico; 20,000; 45,000.
Texico, N. Mex., VORTAC, Vaughn, N. Mex., W/P; 117.8; 58.6, Texico, 34°33'46" N., 104°01'06" W.; 263°/083° to COP, 260°/080° to Vaughn; 18,000; 45,000.

J935R is amended to read in part:
Jewett, N. Mex., W/P, Albuquerque, N. Mex., VORTAC; 105.5; 52.3, Jewett, 34°24'28" N., 107°33'55" W.; 029°/209° to COP, 031°/211° to Albuquerque; 18,000; 45,000.

J939R is amended to read in part:
Elberon, Iowa, W/P, Corwith, Iowa, W/P; 93.3; 50, Elberon, 42°32'01" N., 93°08'22" W.; 306°/126° to COP, 300°/120° to Corwith; 18,000; 45,000.
Klein, Mont., W/P, Holter, Mont., W/P; 144.6; 84.6, Klein, 46°42'21" N., 110°27'45" W.; 263°/083° to COP, 259°/079° to Holter; 18,000; 45,000.

J947R is amended to read in part:
San Luis Obispo, Calif., VORTAC, Pine, Calif., W/P; 129.2; 226°/046° to Pine; 18,000; 45,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From, to, and MEA

Des Moines, Iowa, VOR; *Ankeny INT, Iowa; 2,500. *3,300—MCA Ankeny INT, northbound.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Socorro, N. Mex., VOR; Albuquerque, N. Mex., VOR; 8,000.
Albuquerque, N. Mex., VOR; *Santa Fe, N. Mex., VOR; **9,000. *11,000—MCA Santa Fe VOR, southwestbound. *11,600—MCA Santa Fe VOR, eastbound. **8,700—MOCA.
Albuquerque, N. Mex., VOR via W alter.; Sante Fe, N. Mex., VOR via W alter.; 9,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR via S alter.; Harlingen, Tex., VOR via S alter.; 1,600.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Salisbury, Md., VOR; Drummond INT, Del.; *1,800. *1,700—MOCA.
Drummond INT, Del., Kenton, Del., VOR; *1,800. *1,500—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From, to, and MEA

Miami, Fla., VOR; *Pine INT, Fla.; **2,000. *2,300—MRA. **1,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Cabezon INT, N. Mex.; Zia INT, N. Mex.; 10,000.
Zia INT, N. Mex.; Santa Fe, N. Mex., VOR; 9,000.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR via E alter.; *Fork INT, Tex., via E alter.; **5,000. *7,500—MRA. **4,800—MOCA.
Fork INT, Tex., via E alter.; Amarillo, Tex., VOR via E alter.; *5,000. *4,900—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended by adding:

Otto, N. Mex., VOR via E alter.; Santa Fe, N. Mex., VOR via E alter.; 10,000.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Waukon, Iowa, VOR; Nodine, Minn., VOR; *3,000. *2,400—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Des Moines, Iowa, VOR; *Ankeny INT, Iowa; 2,500. *3,300—MCA Ankeny INT, northbound.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Lake Hughes, Calif., VOR; Lopez INT, Calif.; 9,000.
*Lopez INT, Calif.; Arvin INT, Calif.; 7,800. *8,400—MCA Lopez INT, southbound.
*Arvin INT, Calif.; Bakersfield, Calif., VOR; **4,000. *6,900—MCA Arvin INT, southeast bound. **3,300—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to delete:

Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,600—MOCA.
Mankata, Minn., VOR; Farmington, Minn., VOR; *2,900. *2,400—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended by adding:

Fairmont, Minn., VOR; Blue Earth INT, Minn.; *2,800. *2,400—MOCA.
Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,600—MOCA.
Rochester, Minn., VOR; Nodine, Minn., VOR; *3,000. *2,700—MOCA.

Section 95.6197 *VOR Federal airway 197* is amended to read in part:

*Fisher INT, Calif.; Keller INT, Calif.; 10,000. *8,000—MCA Fisher INT, northwestbound.
*Keller INT, Calif.; Arvin INT, Calif.; 7,800. *9,100—MCA Keller INT, southeastbound.
*Arvin INT, Calif.; Bakersfield, Calif. VOR; **4,000. *6,900—MCA Arvin INT, southeastbound. **3,300—MOCA.
Ontario, Calif., VOR; Pomona, Calif., VOR; 4,500.

Section 95.6204 *VOR Federal airway 204* is amended to read in part:

McKenna INT, Wash.; *Alder INT, Wash.; 5,800. *5,800—MCA Alder INT, eastbound.

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

From, to, and MEA

Meadow INT, Conn.; *Leroy INT, Mass.; **6,500. *4,500—MRA. **2,400—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Garard INT, Pa.; Uniontown INT, Pa.; 3,700.
Uniontown INT, Pa.; Indian Head, Pa., VOR; 5,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Hill City, Kans., VOR; Mankato, Kans., VOR; *4,500. *3,800—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to delete:

Fairmont, Minn., VOR; Blue Earth INT, Minn.; *2,800. *2,400—MOCA.
Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,600—MOCA.
Rochester, Minn., VOR; Waukon, Iowa, VOR; *3,000. *2,600—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended by adding:

Minneapolis, Minn., VOR; Cannon Falls INT, Minn.; *3,500. *2,700—MOCA.
Cannon Falls INT, Minn.; Chatfield INT, Minn.; *4,000. *2,600—MOCA.
Chatfield INT, Minn.; Waukon, Iowa, VOR; *3,500. *2,700—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

Key West, Fla., VOR via E alter.; *Goodland INT, Fla., via E alter.; **3,500. *3,500—MRA. **1,300—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Daytona Beach, Fla., VOR via E alter.; *Roy INT, Fla., via E alter.; **1,600. *2,500—MRA. **1,400—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Milport INT, Ala.; Flat Creek INT, Ala.; *2,400. *2,000—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Carr INT, Wash.; Lofall INT, Wash.; *7,000. *4,000—MOCA.

Section 95.6306 *VOR Federal airway 306* is amended to read in part:

Conroe INT, Tex.; Sheppard INT, Tex.; *2,000. *1,700—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Hobbs INT, Md.; Drummond INT, Del.; *1,400—MOCA.
Drummond INT, Del.; Sea Isle, N.J., VOR; *2,400. *1,400—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Yakutat, Alaska VOR; Malaspina DME Fix, Alaska; 2,000.
Malaspina DME Fix, Alaska; Katalla INT, Alaska; #*10,000. *5,500—MOCA. #MEA is established with a gap in navigation signal coverage.
Katalla INT, Alaska; Castle INT, Alaska; *5,000. *4,800—MOCA.
Castle INT, Alaska; Eyak INT, Alaska; *3,000. *2,000—MOCA.
Eyak INT, Alaska; Johnstone Point, Alaska, VOR; 5,000.

From, to, and MEA

Johnstone Point, Alaska, VOR; Storey INT, Alaska; 5,000.
Storey INT, Alaska; Whittier INT, Alaska; westbound *10,000; eastbound *8,000. *8,000—MOCA.
Whittier INT, Alaska; *Anchorage, Alaska, VOR; **10,000. *5,000—MCA Anchorage VOR, eastbound. **7,100—MOCA.
Annette Island, Alaska, VOR; Gravina Island DME Fix, Alaska; *5,000. *4,900—MOCA.
Gravina Island DME Fix, Alaska; Guard Island DME Fix, Alaska; *5,000. *4,700—MOCA.
Guard Island DME Fix, Alaska; Level Island, Alaska, VOR; *7,000. *5,100—MOCA.
Level Island, Alaska, VOR; Hood Bay DME Fix, Alaska; *9,000. *6,900—MOCA.
Hood Bay DME Fix, Alaska; Sisters Island, Alaska, VOR; *7,000. *6,900—MOCA.
Sisters Island, Alaska, VOR; Cape Spencer DME Fix, Alaska; *6,000. *5,300—MOCA.
Cape Spencer DME Fix, Alaska; *Harbor Point INT, Alaska; **15,000. *15,000—MRA. **5,300—MOCA.
Harbor Point INT, Alaska; Crescent DME Fix, Alaska; #*9,000. *2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Crescent DME Fix, Alaska; Yakutat, Alaska, VOR; 2,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Harbor Point INT, Alaska; Crescent DME Fix, Alaska: #*9,000. *2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Cresent DME Fix, Alaska; Yakutat, Alaska, VOR; 2,000.

Section 95.6459 *VOR Federal airway 459* is amended to read in part:

Lake Hughes, Calif., VOR; Lopez INT, Calif.; 9,000.
*Lopez INT, Calif.; Woody INT, Calif.; 7,800. *8,400—MCA Lopez INT, southbound.
*Woody INT, Calif.; Porterville, Calif., VOR; 5,000. *5,400—MCA Woody INT, southeastbound.

Section 95.6467 *VOR Federal airway 467* is amended to read in part:

Hobbs INT, Md.; Drummond INT, Del.; *2,400. *1,400—MOCA.
Drummon INT, Del.; Millville, N.J., VOR; *1,800. *1,600—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Humble, Tex., VOR; Montgomery INT, Tex.; 1,700.
Montgomery INT, Tex.; Dacus INT, Tex.; *1,900. *1,700—MOCA.

Section 95.6491 *VOR Federal airway 491* is amended to read in part:

Atlanta, Ga., VOR; Crabapple INT, Ga.; *3,500. *3,000—MOCA.
Crabapple INT, Ga.; Nelson INT, Ga.; 5,600.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

From, to, MEA and MAA

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended by adding:

Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.
Winslow, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 18,000; 45,000.

From, to, MEA and MAA

Gallup, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.
Las Vegas, N. Mex., VORTAC; Borger, Tex., VORTAC; 18,000; 45,000.
Borger, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended to delete:

Amarillo, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7019 *Jet Route No. 19* is amended by adding:

Phoenix, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC Las Vegas, N. Mex., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7019 *Jet Route No. 19* is amended to delete:

Phoenix, Ariz., VORTAC; St. Johns, Ariz., VORTAC; 18,000; 45,000.
St. Johns, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.
Albuquerque, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7072 *Jet Route No. 72* is amended to read in part:

Winslow, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Las Vegas, N. Mex., VORTAC; Tucumcari, N. Mex., VORTAC; 18,000; 45,000.
Tucumcari, N. Mex., VORTAC; Wichita Falls, Tex., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

Prescott, Ariz., VORTAC; Zuni, N, Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7096 *Jet Route No. 96* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7134 *Jet Route No. 134* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7590 *Jet Route No. 590* is amended to read in part:

United States-Canadian border; Sault Ste. Marie, Mich., LF/RBN; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V–107 is amended to delete:

Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.

V–317 is amended to read in part:

Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 70; Level Island.

Section 95.8005 *Jet routes changeover points.*

J–8 is amended by adding:

Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 84; Needles.

From, to, MEA and MAA

Gallup, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 101; Gallup.

J-6 is amended by adding:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 76; Prescott.

J-78 is amended by adding:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 76; Prescott.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on January 27, 1972.

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

[FR Doc.72-1486 Filed 2-2-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 2113]

PART 13—PROHIBITED TRADE PRACTICES

Credit Bureau, Inc. of Washington, D.C. and Edward F. Garretson

Subpart—Misrepresenting oneself and goods—Goods: § 13.1655 *Identity.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Credit Bureau, Inc. of Washington, D.C., et al., Washington, D.C., Docket No. C-2113, Dec. 7, 1971]

In the Matter of The Credit Bureau, Inc. of Washington, D.C., a Corporation, and Edward F. Garretson, Individually, and as Manager of The Credit Bureau, Inc. of Washington, D.C.

Consent order requiring a credit reporting service of Washington, D.C., which includes the operation of a new resident information-reporting service under the franchised name of Welcome Newcomer, to cease securing personal and financial information from new area residents through subterfuge and selling it without their knowledge.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Credit Bureau, Inc. of Washington, D.C., a corporation, and its officers, and Edward F. Garretson, individually, and as manager of The Credit Bureau, Inc. of Washington, D.C., and each of said respondents trading as Welcome Newcomer or under any other trade name or names, and respondents' agents, employees, and representatives, directly or through any corporate, subsidiary, division or other device, in connection with the solicitation, compilation, use, sale or distribution of personal, financial or other information or debt collections or other service in "commerce" as defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the personal and financial information obtained by the hostess making the visit for Welcome Newcomer will be used only as proof that the hostess has called upon the newcomer or to make application for charge accounts with firms which do business in the community; or misrepresenting, in any manner, the purposes for obtaining any information from whatever source, or how or the manner in which the information is to be used or revealed to third parties.

2. Obtaining personal and financial information without clearly and conspicuously disclosing at the outset, in each introduction or presentation by hostesses or other representatives of respondents to newcomers that such information, in addition to being submitted in connection with any credit applications signed by the newcomer, will be available to specifically identified organizations which subscribe to the Welcome Newcomer service and may solicit the newcomer's patronage.

3. Disclosing any personal or financial information furnished by a newcomer for any purposes other than those described in paragraph 2 without clearly and conspicuously disclosing to the newcomer, prior to obtaining such information, the exact information which will be used, the particular use which will be made of such information, and the parties or entities to whom the information will be made available.

4. Using the trade name "Welcome Newcomer" or any other trade name of substantially similar import or meaning, either orally or in writing, in connection with the collection of personal or financial information for credit rating, debt collection or other purposes without clearly and conspicuously revealing in immediate connection therewith that the name identifies a credit bureau or a service or activity of a credit bureau.

It is further ordered, That respondents shall deliver a copy of this order to cease and desist to all present and future hostesses or other representatives engaged in securing personal and financial information from newcomers, and shall obtain a signed statement acknowledging receipt of said order from each said agent, representative, or person receiving a copy of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1586 Filed 2-2-72;8:47 am]

[Docket No. C-2119]

PART 13—PROHIBITED TRADE PRACTICES

Film Corporation of America and Ames Advertising Agency, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155-25 Coupon, certificate, check, credit voucher, etc., values; § 13.185 *Refunds, repairs, and replacements;* § 13.235 *Source or origin;* 13.235-60 Place; 13.235-60(c) Domestic products as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1875 *Nonstandard character;* § 13.1900 *Source or origin;* 13.1900-30 Foreign in general. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price;* § 13.1955 *Free goods;* § 13.1980 *Guarantee, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Film Corporation of America et al., Jenkintown, Pa., Docket No. C-2119, Dec. 17, 1971]

In the Matter of Film Corporation of America, a Corporation, and Ames Advertising Agency, Inc., a Corporation

Consent order requiring a Pennsylvania mail order photofinishing firm to cease distributing "free" color film, coupled with a photofinishing offer, to the public through misrepresentations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Film Corporation of America and Ames Advertising Agency, Inc., corporations, and respondents' officers, agents, representatives, and employees, directly or through any corporate, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of color film, photofinishing, or any other product or service in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly, affirmatively, and expressly disclose, at the outset of the free film offer in each instance in which such an offer is made, in any advertisement or in any other form of communication, that forthcoming is an offer to sell photofinishing services and that the free color film may be processed by major quality photofinishers.

2. Representing, directly or by implication, that any offer is an introductory

offer when such offer is made by respondents on a continuing basis in the regular course of business; or misrepresenting, in any manner, the nature or terms of any introductory offer by respondents.

3. Representing, directly or by implication, that respondent Film Corporation of America is America's largest independent film processing company or employs 1,000 technicians; or misrepresenting, in any manner, the number, skill, and technical expertness of respondent Film Corporation of America's employees and the size, nature, and extent of its film processing facilities.

4. Representing, directly or by implication, that any merchandise and/or service is guaranteed, (a) unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and (b) unless respondent Film Corporation of America, within a reasonable time, not to exceed ten (10) working days from receipt of the request, performs each obligation directly or indirectly represented with said guarantee; misrepresenting, in any manner, the terms, conditions and extent of any guarantee.

5. Representing, directly or by implication, that:

(a) The free sample roll of color film can only be processed and/or developed on respondent Film Corporation of America's special equipment; or misrepresenting, in any manner, the processing required or available for respondent Film Corporation of America's film;

(b) Kodaks equipment is used exclusively in respondent Film Corporation of America's film processing operations; or misrepresenting, in any manner, the type of equipment used in respondent Film Corporation of America's film processing operations;

(c) Respondent Film Corporation of America's mail order customers receive fast 24–48-hour service on all of their film processing; or misrepresenting, in any manner, the time required to process film processing orders;

(d) Respondent Film Corporation of America has 27 film processing locations from coast-to-coast; or misrepresenting, in any manner, the number of its office or processing locations;

(e) The Triple-Print process is exclusive and the sample roll of color film and processing combination is special and the result of a tremendous new patented color film and processing breakthrough; or misrepresenting, in any manner, the exclusivity, essential characteristics, constitution or the newness of Film Corporation of America's film and film processing services; and

(f) The 4" x 4" photos are "portrait size" and that 2" x 2" prints are "wallet size"; or misrepresenting, in any manner, the size of finished photos.

6. Representing, directly or by implication, that any article of merchandise or service is being given free or without charge or cost or as a gift, in connection with the purchase of other merchandise or service, unless the stated price of the merchandise and service required to be purchased in order to obtain said article or service is the same or less than the customary and usual price at which such merchandise or service has been sold separately for a substantial period of time in the recent and regular course of respondent Film Corporation of America's business.

7. Representing, directly or by implication, that exact cash refunds will be made for all unprintable negatives or if the consumer sends too much money, unless respondent Film Corporation of America automatically does refund in cash for all unprintable negatives and overpayments.

8. Representing, directly or by implication, that refunds are made, cash or credit, without clearly and conspicuously disclosing all of the terms and conditions of said refunds.

9. Using the trade names Famous Brand, Famous Brand Film, and other similar names, in any advertisement, package, or in any other form of communication unless, in each instance in which such representation is made, there is clear and conspicuous disclosure that said color film is foreign film when such is the fact; or misrepresenting, in any manner, the origin of manufacture of the film sold or distributed by respondent Film Corporation of America.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale or distribution of any product or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents maintain for at least a two (2) year period, copies of all advertisements, direct mail and in-store solicitation literature, coupon solicitation requests, and any other such promotional material made for purposes of distributing film and/or inducing the mail order finishing of amateur photographic film.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: December 17, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1587 Filed 2-2-72;8:48 am]

[Docket No. C-2118]

PART 13—PROHIBITED TRADE PRACTICES

Gus Kroesen, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act; § 13.170 *Qualities or properties of product or service:* 13.170–96 Waterproof, waterproofing, water-repellent; § 13.175 *Quality of product or service.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852–75 Truth in Lending Act: 13.1852–75(a) Regulation Z; § 13.1905 Terms and conditions: § 13.1905–6 Truth in Lending Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 State. 146, 147: 15 U.S.C. 45, 1601–1605) [Cease and desist order, Gus Kroesen, Inc., et al., Oakland, Calif., Docket No. C-2118, Dec. 16, 1971]

In the Matter of Gus Kroesen, Inc., a Corporation, and National Diamond Sales, Inc., a Corporation, Also Trading as National Diamond Sales and Jewelry Sales Co., and Gus Kroesen Naval Tailor, Inc., a Corporation, Also Trading as Gus Kroesen Navy Tailor and Military Diamond Sales, and G. Kroesen Jewelers of Augusta, Inc., a Corporation, Also Trading as Gus Kroesen Jewelers and G. Kroesen Jewelers, Inc., and Joseph B. Kroesen, and Edward G. Koch, Individually and as Officers of Said Corporations.

Consent order requiring a California based jewelry wholesaler and its affiliated firms to cease using deceptive advertising to induce the sale of their jewelry; and to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Gus Kroesen, Inc., a corporation, and its officers; National Diamond Sales, Inc., a corporation, and its officers; Gus Kroesen Naval Tailor, Inc., a corporation, and its officers; and Joseph B. Kroesen and Edward G. Koch, individually and as officers of any of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, and distribution of jewelry and watches, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in describing jewelry containing synthetic imitation, or simulated stones that the said jewelry contains stones that are "blue star sapphire," "birthstone," or any other precious or semiprecious stone, unless such descriptive wording is immediately preceded with equal conspicuity, by the word "synthetic," or by the word "imitation" or "simulated," whichever, is applicable or by some other word or phrase of like meaning, so as clearly to disclose the nature of such product and the fact that it is not a natural stone.

2. Using the words "real," "genuine," "natural," or similar terms as descriptive of such stones as the Linde blue and black star sapphires or other stones which are manufactured or produced synthetically or artificially.

3. Using the word "solid," whether in connection with karat fineness or otherwise, to describe jewelry or any part thereof which contains a concealed hollow center or interior, and from failing to clearly disclose the fact that such jewelry contains a hollow center or interior.

4. Using the words "real," "genuine," "natural," or similar terms as descriptive of cultured pearls or any other article or articles which are artificially cultured or cultivated.

5. Representing that their watches are "waterproof."

6. Using the term "gold filled" in describing watchcases unless the term "gold filled" or an abbreviation thereof is immediately preceded by a correct designation of the karat fineness of the gold alloy of which the plating is composed.

7. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations and unless respondent promptly fulfills all of his obligations under the represented terms of such guarantee.

8. Representing, directly or by implication, through the use of any picture, illustration or other depiction that rings, diamonds, or other stones are greater than actual size unless the said picture, illustration, or depiction is accompanied by a clear and conspicuous disclosure of the fact that the picture, illustration, or depiction is an enlargement.

II. *It is further ordered,* That respondents Gus Kroesen, Inc., a corporation, and its officers; National Diamond Sales, Inc., a corporation, and its officers; Gus Kroesen Naval Tailor, Inc., a corporation, and its officers; G. Kroesen Jewelers of Augusta, Inc., a corporation, and its officers; and Joseph B. Kroesen and Edward G. Koch, individually and as officers of any of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, or any advertisement to aid, promote, or assist, directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement," are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. In connection with the disclosure statements made in conjunction with mail order sales as required by § 226.8 (a) (b) (c) of Regulation Z,

(a) Failing to furnish the customer with a duplicate of a statement on which the creditor is identified and which identifies the transaction as required by § 226.8(a) (2) of Regulation Z.

(b) Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8(c) (1) of Regulation Z.

(c) Failing to disclose the amount of any downpayment in property and to describe that amount as the "trade-in," as required by § 226.8(c) (2) of Regulation Z.

(d) Failing to disclose the difference between the "cash price" and the "trade-in," and to describe that difference as the "unpaid balance of cash price," as required by § 226.8(c) (3) of Regulation Z.

(e) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c) (7) of Regulation Z.

(f) Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b) (3) of Regulation Z.

(g) Failing to disclose the sum of the cash price and all charges which are included in the amount financed but which are not part of a finance charge, and the finance charge and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

(h) Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

2. Stating, in any advertisement, that no downpayment is required, the amount of installment payments, or that there is no charge for credit, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) thereof:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The deferred payment price.

3. In connection with the disclosure statements made in conjunction with retail store sales as required by § 226.8 (b) (c) of Regulation Z,

(a) Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8(c) (1) of Regulation Z.

(b) Failing to disclose the amount of any downpayment in money and to describe that amount as the "cash downpayment," as required by § 226.8(c) (2) of Regulation Z.

(c) Failing to disclose the amount of any downpayment in property and to describe that amount as the "trade-in," as required by § 226.8(c) (2) of Regulation Z.

(d) Failing to disclose the sum of the "cash downpayment" and the "trade-in" and to describe that sum as the "total downpayment," as required by § 226.8 (c) (2) of Regulation Z.

(e) Failing to disclose the difference between the "cash price" and the "total downpayment," and to describe that difference as the "unpaid balance of cash price," as required by § 226.8(c) (3) of Regulation Z.

(f) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c) (7) of Regulation Z.

(g) Failing to disclose the "finance charge," using that term, in credit transactions where finance charges are imposed as required by §§ 226.4, 226.6(a), and 226.8(c) (8) (i) of Regulation Z.

(h) Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b) (3) of Regulation Z.

(i) Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

(j) Failing to disclose the "annual percentage rate," using that term, in credit transactions where finance charges are imposed as required by §§ 226.5, 226.6(a), and 226.8(b) (2) of Regulation Z.

(k) Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any consumer credit

transaction or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: December 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1588 Filed 2-2-72;8:48 am]

[Docket No. C-2116]

PART 13—PROHIBITED TRADE PRACTICES

Abe Kairy and Kairy's

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Abe Kairy et al., Miami Beach, Fla., Docket No. C-2116, Dec. 7, 1971]

In the Matter of Abe Kairy, An Individual Trading as Kairy's.

Consent order requiring a Miami Beach, Fla., seller of novelty items and wearing apparel, including ladies' scarves, to cease marketing dangerously flammable products in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Abe Kairy, individually and trading as Kairy's, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondent herein notify all of his customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 11, 1971 and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1589 Filed 2-2-72;8:48 am]

[Docket No. C-2117]

PART 13—PROHIBITED TRADE PRACTICES

Irvin Howard Laswell and Housecraft of Evansville

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155-10 Bait; 13.155-33 Demonstration reduction; § 13.155-35 Discount savings; § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Housecraft of Evansville, Evansville, Ind., Docket No. C-2117, Dec. 16, 1971]

In the Matter of Irvin Howard Laswell, An Individual Trading and Doing Business as Housecraft of Evansville.

Consent order requiring a home improvement firm of Evansville, Ind., to cease using false pricing, savings, and "free" claims and other misrepresentations in promoting the sale of its products and installations, and to cease transferring its credit customers' contracts of indebtedness to third parties, unless all rights of its customers are preserved.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Irvin Howard Laswell, an individual trading and doing business as Housecraft of Evansville or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution and installation of residential siding or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of residential siding or other merchandise or services.

2. Representing, directly or by implication, that purchasers of respondent's residential siding materials will realize a substantial savings on their heating bills; or representing, in any manner, the amount of savings afforded to respondent's customers on their heating bills.

3. Representing, directly or by implication, that respondent's siding materials are manufactured by United States Steel Corp.; or misrepresenting, in any manner, the origin of manufacturer or respondent's products.

4. Representing, directly or by implication, that persons will receive a gift of a specified article of merchandise, or anything of value; or misrepresenting, in any manner, that free gifts will be given to persons who return "free gift" coupons to respondent.

5. Representing, directly or by implication, that the home or any of respondent's customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising or sales purposes.

6. Representing, directly or by implication, that any allowance, discount or commission is granted by respondent to purchasers in return for permitting the premises on which respondent's products

are installed to be used for model home or demonstration purposes.

7. Representing, directly or by implication, that any of respondent's products and installations are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or implied representation that any of respondent's products or installations are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations and unless respondent promptly fulfills all of his obligations under the represented terms of such guarantee.

8. Assigning, selling or otherwise transferring respondent's notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondent are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other such documents evidencing the indebtedness.

9. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondent's customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.72-1590 Filed 2-2-72;8:48 am]

[Docket No. C-2120]

PART 13—PROHIBITED TRADE PRACTICES

Longines-Wittnauer, Inc. and Credit Services, Inc.

Subpart—Advertising falsely or misleadingly: § 13.150 *Premiums and prizes:* 13.150-35 Prizes; § 13.157 *Prize contests*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1705 *Prize contests*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1883 *Prize contests*. Subpart—Using, selling, or supplying lottery devices: § 13.2480 *In merchandising*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Longines-Wittnauer, Inc., et al., New York, N.Y., Docket No. C-2120, Dec. 21, 1971]

In the Matter of Longines-Wittnauer, Inc., and Credit Services, Inc., Corporations

Consent order requiring a corporation and its subsidiary of New York, N.Y., to cease using promotional games unless all prizes are awarded as represented and disclose the odds of winning and other material information, and to cease using false claims in connection with such promotions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That Longines-Wittnauer, Inc., and Credit Services, Inc., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," contest, game, or similar promotional devices, any of which involve chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A. (1) Failing to disclose clearly and conspicuously to participants and prospective participants the exact number of prizes which will be awarded, the exact nature of the prizes, the approximate retail value of each, and the odds of winning each such prize: *Provided, however*; That in those promotional devices in which the odds cannot be determined with reasonable accuracy, respondents shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated.

(2) Failing to award and distribute all prizes of the value and type represented.

(3) Representing directly or by implication to participants and prospective participants that:

(a) An entry offered to any individual or group of prospective participants represents a better opportunity to win or receive a prize than that offered to other prospective participants;

(b) The number of participants has been significantly limited or that the opportunity to participate in respondents' promotional devices and to purchase their products is not available to other members of the public, unless the basis for such representation is clearly and conspicuously disclosed.

(4) Using the word "lucky" in any manner that represents, or representing in any other manner directly or by implication, to participants and prospective participants that any number, ticket, coupon, symbol, or other entry confers or will confer an advantage upon the recipient or is more likely to win a prize than are others, or has some value that other entries do not have.

(5) Failing to disclose clearly and conspicuously to participants and prospective participants those terms and conditions with which persons who hold winning tickets will be asked to or must comply in order to obtain a prize.

(6) Representing directly or by implication to participants and prospective participants that prizes have been purchased, unless such prizes have, in fact, been purchased at the time the representation is made, or that prizes will be purchased by a future date, unless such prizes will, in fact, be purchased by that date.

(7) Failing to disclose to participants and prospective participants in clear and conspicuous instructions the way in which persons may enter respondents' promotional devices without making or committing themselves to a purchase, or incurring any other obligation, or performing an inspection of any product, or agreeing to any other act or condition.

(8) Failing to furnish upon request to any individual a complete list of the names and States of residence of winners of major prizes, identifying the prize won by each.

(9) Failing to maintain adequate records:

(a) Which disclose the facts upon which any of the representations of the type described in paragraphs 1-7 of this order are based, and

(b) From which the validity of the representations of the type described in paragraphs 1-7 of this order can be determined.

(10) Failing to furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each category or denomination of prizes which does not exceed 1,000 in number, and an exact description of the prize, including its approximate retail value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;

(d) The total number of individuals known or reasonably estimated to have participated in the promotion;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," contest, game, or similar promotional devices, any of which involve chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless the following are disclosed clearly and conspicuously to participants and prospective participants:

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate retail value and the number of each;

(3) All of the terms, conditions and obligations with which individuals will be asked to or have to comply with in order to obtain a prize;

(4) The odds of winning each prize: *Provided however*, That in those promotional devices in which the odds cannot

be determined with reasonable accuracy, respondents shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated;

(5) The geographic area or States in which any such device is used; and

(6) The date the device is initiated and the date the device is to end.

II. *It is ordered,* That Longines-Wittnauer, Inc., Credit Services, Inc., and their officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution to consumers of phonograph records or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

(1) Failing to disclose clearly and conspicuously the exact nature and approximate retail value of any gift or other item furnished without charge, or at nominal charge, or at a cost substantially below its retail value to any purchaser or prospective purchaser of respondents' products, or to any participant or prospective participant in their promotional devices.

(2) Representing directly or by implication to prospective purchasers or participants that:

(a) Any individual or group of prospective purchasers or participants has a better opportunity to receive any gift or other item furnished without charge or at a cost substantially below its retail value than that afforded other prospective purchasers or participants to whom the offer has been made;

(b) The number of individuals to whom such offer has been made has been significantly limited or that the opportunity to purchase respondents' products is not available to other members of the public, unless the basis for such representation is clearly and conspicuously disclosed.

(3) Using or distributing items that simulate currency, checks, other negotiable instruments, or any other item of value.

(4) Using the word "win," "prize," or other similar term denoting chance or skill, unless the selection of individuals receiving a record album or any other item is based on some element of chance or skill.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance with this order.

It is further ordered, That, this order shall become effective upon final acceptance by the Commission, or on September 30, 1971, whichever shall occur later.

It is further ordered, That the respondents herein shall, within sixty (60) days after the effective date of this order, file with the Commission a report in writing setting forth in detail the manner in which they have complied with this order.

Issued: December 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1591 Filed 2-2-72;8:48 am]

[Docket No. C-2114]

PART 13—PROHIBITED TRADE PRACTICES

Shelton Health Spa, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: 13.-1852-75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Shelton Health Spa, Inc., et al., New York, N.Y., Docket No. C-2114, Dec. 7, 1971]

In the Matter of Shelton Health Spa, Inc., and Shelton Health Club for Women, Inc., Corporations, and Howard Joseph, Individually and as an Officer of Said Corporations

Consent order requiring two health clubs of Forest Hills, N.Y., and New York City, to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to use the terms "cash price," "unpaid balance of cash price," "amount financed," "finance charge," "total of payments," "deferred payment price," and "annual percentage rate" as required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shelton Health Spa, Inc., and Shelton Health Club for Women, Inc., and Howard Joseph, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents offer, in the regular course of business, to sell for cash the health club memberships which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the cash downpayment, as required by § 226.8(c)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

4. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(6)(3) of Regulation Z.

6. Failing to use the term "deferred payment price" to describe the sum of the cash price, all other charges which were included in the amount financed but which were not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to express the finance charge as an annual percentage rate, using the term "annual percentage rate" as required by § 226.8(b)(2) of Regulation Z.

8. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and failing to provide a statement of the amount or method of computation of any charge that may be deducted from the amount of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the customer, as required by § 226.8(b)(7) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of the respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in corporate respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1592 Filed 2-2-72;8:48 am]

[Docket No. C-2115]

PART 13—PROHIBITED TRADE PRACTICES

Three "B" Motors, Inc. and Joseph C. Barger

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: 13.1852-95(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Three "B" Motors, Inc., et al., Miami, Fla., Docket No. C-2115, Dec. 7, 1971]

In the Matter of Three "B" Motors, Inc., a Corporation, and Joseph C. Barger, Individually and as Manager of Said Corporation.

Consent order requiring two used car dealers of Miami, Fla., to cease violating the Truth in Lending Act by failing, in consumer credit transactions, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Three "B" Motors, Inc., a corporation, and its officers, and Joseph C. Barger, individually and as manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents, in the regular course of business offer to sell for cash the property or service which is the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the cash downpayment and the trade-in, as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the "annual percentage rate", determined in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to use the term "total of payments" to describe the dollar amount of the sum of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

12. Failing to describe the type of security interest, as required by § 226.8(b)(5) of Regulation Z.

13. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment, as required by § 226.8(b)(7) of Regulation Z.

14. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1593 Filed 2-2-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Pursuant to the "Air Quality Act of 1967" (section 2, Public Law 90-148; 81 Stat. 491), States were required to adopt and submit for Federal approval implementation plans providing for the attainment and maintenance of regional ambient air quality standards for sulfur dioxide and particulate matter. Section 16 of the "Clean Air Amendments of 1970" (Public Law 91-604; 84 Stat. 1713) provided that any such implementation plan or portion thereof, submitted prior to the enactment of the amendments would be approved by the Administrator and would remain in effect if he determined that such plan, or portion thereof, was consistent with the requirements of the Clean Air Act and that it provided for the attainment of the national primary ambient air quality standards for sulfur dioxide and particulate matter within the time prescribed by the amendments.

On August 4, 1971, the Administrator, by letters to Governors, approved portions of such existing implementation plans for several air quality control regions. In accordance with section 16 of the amendments, the Administrator also notified the States of what changes in the plans were necessary to meet the new requirements of the amendments to the Act. In making these determinations, the Administrator reviewed the plans for consistency with the Clean Air Act (particularly section 110) and for compliance with requirements set forth at 40 CFR Part 51. The adequacy of the control strategy of each plan was determined by the Administrator by means of procedures described in § 51.13(e) of Title 40, which involve use of a proportional or diffusion model or verification of other procedures used by the State. Approved control strategies and pertinent rules and regulations and compliance schedules are identified by general description in the text of this publication. These provisions become the initial part of the "applicable implementation plan" for each region involved. "Applicable implementation plans" are enforceable by the Administrator under sections 113 and 114 of the Act under circumstances described in such sections. Each implementation plan covered herein and the Agency's analysis of each plan are available for public inspection in Division of Stationary Source Enforcement, Room 17-70, 5600 Fishers Lane, Rockville, MD 20852, and in the EPA Regional Offices serving the States covered by this publication.

The States are now completing the preparation and adoption of statewide implementation plans under section 110 of the Act, as amended. These plans must

provide for attainment and maintenance of the national ambient air quality standards. None of the plans submitted and approved pursuant to section 16 of the 1970 Amendments met all the requirements of section 110 of the Act or 40 CFR Part 51; accordingly, additions to all the approved plans will be necessary. Following submission of completed plans (by January 30, 1972) the Administrator will identify approved portions by publication in the FEDERAL REGISTER. It should also be noted that certain nonregulatory portions of plans, e.g., air monitoring systems, were approved under section 16 for some regions listed below as well as for other regions not listed. Subsequent to January 30, 1972, the notices published here will be revised to indicate approval or disapproval of the entire State plan.

The regulations set forth below are effective upon the date of publication. In accordance with 5 U.S.C. 553, the Agency finds that because the public participated in the development of the approved implementation plan provisions at the time of their adoption, through public hearings and otherwise, good cause exists for dispensing with a proposal and comment period on these regulations. The Agency also finds that good cause exists for making these regulations effective upon publications (2-3-72), since the approved provisions are now in effect in the various States involved.

Accordingly, a new Part 52 is added to Chapter I, Title 40 of the Code of Federal Regulations, as follows:

§ 52.1 Approval and promulgation of implementation plans.

State plans consisting of control strategies, rules, and regulations, and, in certain instances, compliance schedules, which the Administrator has determined meet the requirements of section 16 of the "Clean Air Amendments of 1970" have been approved, as follows:

DELAWARE

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on June 30, 1970. Supplemental information was received October 20, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

NEW JERSEY

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 26, 1970. Supplemental information was submitted September 23, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

PENNSYLVANIA

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 4, 1970. Supplemental information was received August 4, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

KANSAS

An implementation plan for the State's portion of the Kansas City Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on November 19, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

VIRGINIA

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on April 29, 1970. Supplemental information was received August 10 and 14, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

MARYLAND

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 28, 1970. Supplemental information was submitted August 7 and 21, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations, as well as the compliance schedule pertaining to the sulfur oxides standards.

MARYLAND

An implementation plan for the Baltimore Intrastate Air Quality Control Region was submitted to the Environmental Protection Agency on December 23, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. The Administrator has also determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations, as well as the compliance schedule pertaining to the sulfur oxides standards.

COLORADO

An implementation plan for the Denver Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 12, 1970, and was amended by letter dated November 10, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for particulate matter. The Administrator has also determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for maintaining the national secondary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations and the compliance schedules pertaining thereto.

MISSOURI

An implementation plan for the State's portion of the Kansas City Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on October 14, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

DISTRICT OF COLUMBIA

An implementation plan for the District's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 6, 1970. Supplemental information was received August 24, 1970. The Administrator has determined that the District's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

MASSACHUSETTS

An implementation plan for the Boston Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on September 16, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

(Sec. 16, sec. 4(a), Public Law 91-604; 84 Stat. 1713, 1678)

Dated: January 31, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-1616 Filed 2-2-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18920; FCC 72-71]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Domestic Public Point to Point Microwave Radio Service

Memorandum opinion and order. In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic public point-to-point microwave radio service and proposed amendments to Parts 21, 43, and 61 of the Commission's rules, Docket No. 18920.

1. The Commission has before it two petitions filed by American Telephone and Telegraph Co. and associated Bell System Cos. (A.T. & T.) on July 6, 1971 and by GT&E Service Corp. on July 9, 1971 requesting partial reconsideration of the First Report and Order in this proceeding released June 3, 1971 (29 FCC 2d 870). Responses were filed by Western Union Telegraph Co., the MCI Carriers, Southern Pacific Communications Co., Data Transmission Co. (Datran), Western Telecommunications, Inc., and Nebraska Consolidated Communications Corp. A reply to the responses was filed by A.T. & T. Also received, on August 31, 1971, from Western Union are a supplement to its original response and a motion for its acceptance.

2. These petitions for partial reconsideration concern only the technical standards adopted in the First Report and Order (Issue C).[1] The new standards primarily relate to restrictions on the aiming of terrestrial antennas toward the synchronous satellite orbit, a requirement for prior frequency coordination to avoid frequency conflicts and route blockage, restrictions on the use of frequency diversity, and the establishment of more critical antenna standards. A.T. & T. states that it endorses the concept of frequency conservation which the new standards are designed to achieve but is concerned primarily with the time allotted for compliance with the new rules, particularly those relating to the use of frequency diversity.[2] GTE essentially seeks modification of the antenna standards and some clarification of the frequency diversity rules. In the following paragraphs we discuss each item.

Frequency diversity. 3. Our action in the First Report and Order limited the use of frequency diversity to one protection channel in each of the bands 3700–4200 MHz (4 GHz) and 5925–6425 MHz (6 GHz) and a ratio of one protection channel for three working channels in the band 10,700–11,700 MHz (11 GHz). In the 4 and 6 GHz bands no protection channel is allowed for new facilities until there are a minimum of three working channels. These requirements were made applicable to all pending applications and excess protection channels on existing routes are to be relinquished. A.T. & T. does not object to the limitations per se but to the method of implementation and the time for conversion of existing facilities. Specifically, A.T. & T. makes the following requests:

(a) Defer the effective date of the rules for 1 year;

(b) In the 4 and 6 GHz bands permit the use of a protection channel for the first working channel where it can be demonstrated that the route will develop to three or more working channels within a reasonable period (e.g. 5 years);

(c) Permit the use of two protection channels for the combined 4 and 6 GHz bands after a route has grown to four or more working channels in the 6 GHz band or six or more in the 4 GHz band, where it can be demonstrated that the route will grow to utilize channels in both bands within a reasonable period (e.g. 5 years);

(d) Continue to permit the use of two protection channels in either the 4 or 6 GHz band on an existing route until July 1, 1976, where it can be demonstrated that a minimum of six 4 GHz or four 6 GHz working channels will be used and where equipment necessary for economical conversion is not available; and

(e) In the 11 GHz band permit continued use of one protection channel for one working channel until July 1, 1976, provided it can be shown that equipment for economical conversion is not available.

4. In support of request (a) to delay implementation of the rules for 1 year, A.T. & T. contends that it is unable to implement the new rules without seriously jeopardizing the quality of service. It states that existing carriers have not been allowed time to: (1) Evaluate the effect of the new standards upon currently engineered systems, (2) study and select engineering alternatives, (3) prepare amendments to pending applications, or (4) secure or design equipment which will conform to the new rules. A.T. & T. estimates that 661 applications now on file will have to be modified which will require a massive engineering effort, delaying service from 2 months to 2½ years. Moreover, A.T. & T. contends that it needs more time to develop new engineering practices and to develop and manufacture new equipment. The specialized carriers generally oppose changes that would give benefit to a limited number of carriers. Southern Pacific, however, does not oppose the one year's delay. Datran, on the other hand, does object to the delay, claiming that the burden on A.T. & T., considering its vast resources, is proportionately less than on Datran and many other applicants.

5. We would have preferred to implement these rules over a period of time to allow carriers to make adequate advance planning to accommodate the changes. However, due to the extensive number of pending applications on file, we believe the impact on the frequency spectrum would be too severe to delay implementation for a year. Not only would we be faced with granting some 3,000 pending applications, most of which propose one for one frequency diversity, but we would undoubtedly be faced with the prospect of an upsurge of new applications in the intervening year proposing one for one frequency diversity prior to the cutoff. Accordingly, we were not unmindful that some delays and difficulties would be imposed. Rather, it was (and is) a matter of weighing the public interest in protecting the rapidly diminishing available radio spectrum against the temporary impact on the carriers having pending applications. Moreover, it should be realized that our action was hardly a surprise since we proposed even more severe restrictions on the use of frequency diversity in the notice of proposed rule making issued a year prior to the effective date of the new rules.

6. In terms of numbers of applications, we would, of course, expect that A.T. & T., due to the vast size of its microwave network, would be more affected by the new rules than any other carrier. However, it appears that A.T. & T. overestimated the impact. It estimates that 661 pending applications would have to be modified. Of these only 119 involve the construction of new stations; the remaining 542 concern modification of existing facilities. In paragraph 141 of the First Report and Order we recognized the problems inherent in the modification of existing facilities, and we indicated that we would have a flexible policy with regard to such modifications. (More is said of this below.) Accordingly, the major impact would appear to relate only to 119 applications which are likely to require modification. Even taking into account the possible effect upon other systems currently being designed, the impact on A.T. & T., considering its size, is hardly overwhelming, especially if it is noted that the MCI carriers have some 644 pending applications which will require modification. While we recognize that A.T. & T. has existing service obligations which must be satisfied, we are of the opinion that a delay of several months for some system redesign or modification would rarely affect public service in any substantial way. In those limited cases where time is especially critical or alternatives severely limited, we will consider a well substantiated request for waiver as indicated in paragraph 140 of the First Report and Order.

7. With regard to its request (b) to allow the installation of a protection

[1] The petitions for reconsideration filed by the National Association of Regulatory Utility Commissioners and the Utilities and Transportation Commission of the State of Washington relating to the resolution of Issues A and B and related pleadings, were considered and disposed of in our Memorandum Opinion and Order released Oct. 6, 1971 (31 FCC 2d 1106).

[2] By Memorandum Opinion and Order released July 19, 1971 (FCC 71-727) we granted a partial stay of the new frequency diversity rules which temporarily have permitted continued use of previously accepted protection ratios on existing routes.

channel simultaneously with the construction of the first working channel on a developing heavy route, A.T. & T. contends that such change would eliminate the substantial additional investment in providing for space diversity in the initial phase of the route, which investment would become unnecessary when the route expands to three or more working channels. An alternative, it suggests, would be to initially apply for three working channels or request a waiver. Southern Pacific and Datran specifically oppose this request. Southern Pacific contends that it would give A.T. & T. an unfair advantage and would be contrary to the purpose of the rule which is to encourage the use of space diversity. It argues that if a route becomes heavy, space diversity should be continued rather than switch to frequency diversity. Several of the specialized carriers make the point that it would be relatively easy for A.T. & T. to make heavy route projections while they would be at a decided disadvantage.

8. As noted in paragraph 137 of the First Report and Order, A.T. & T. originally commented that it anticipated utilizing space diversity to augment frequency diversity in many instances. However, on growth routes where the need for both types of protection is not anticipated, it does appear unreasonable to require space diversity initially when it will not be needed later on. Southern Pacific's suggestion that full reliance on space diversity be continued as route grows to three or more working channels is not considered practical because of the costs involved.[3] We do not doubt that a change of this sort will be more beneficial to A.T. & T. than the specialized carriers due to the size of A.T. & T.'s operation. However, our decision must be based on the overall public interest rather than solely attempting to equalize the competitive positions among the various carriers. Accordingly, the rules will be modified to make provision for a protection channel for the first working channel on a true growth route. However, rather than utilize the 5-year figure suggested by A.T. & T., we prefer 3 years. If a route is to reflect substantial growth it appears that it should reach a total of three working channels within 3 years. We will, of course, require growth projections to be based on solid data, and such projections will be carefully reviewed. All grants in such instances will be conditional so that if actual growth proves less than the required minimum, subsequent conversion to space diversity may be required.

9. In support of request (c), A.T. & T. contends that full reliability cannot be achieved economically with existing vacuum tube equipment at the 1 for 11 and 1 for 7 protection ratios in the 4 and 6 GHz bands, but when route development progresses to the point where the second protection channel is allowed, sufficient reliability (on a 2 for 18 ratio) can be achieved without the interim use of space diversity and hot standby transmitters. Therefore, for routes where both the 4 and 6 GHz bands are to be utilized, it proposes the use of a second protection channel after the route has grown to four working channels in the 6 GHz band or six in the 4 GHz band. Objections similar to those voiced against request (b) are also raised against this request by several specialized carriers.

10. We have not been persuaded by A.T. & T.'s arguments on this item. First, the projection of such requirements would involve many channels and would normally be long range.[4] It is logical to expect that forecasting of this sort would be less accurate and, hence, less likely to occur as planned. Secondly, and more important, the need for 2 for 18 protection, rather than 1 for 11 or 1 for 7, is predicated by A.T. & T. on the use of existing vacuum tube equipment. On new routes we would not expect the continued use of vacuum tube equipment, and indeed A.T. & T. gives no reason for such continued use contrary to its previous representations. Our decision to reduce protection ratios was based to a substantial extent on the wide availability of solid state equipment which is generally considered to be significantly more reliable than vacuum tube equipment. However, if A.T. & T. on a particularly heavy route can show a genuine need to use vacuum tube equipment, we may consider the matter on an individual waiver basis.

11. In requests (d) and (e) A.T. & T. seeks the continued use of the formerly accepted protection ratios until July 1, 1976. In support of these requests it cites the current unavailability of switching equipment to meet the new ratios, particularly in 4 and 11 GHz bands. It states that some equipment may be economically converted but that much would depend on new equipment (e.g. the 400 A switcher) which will not begin to be available until 1974. In the First Report and Order we recognized that the modification and/or conversion of existing facilities is likely to create some problems, and we indicated a flexible approach would be followed. In general, we stated that excess protection channels should be relinquished by the next renewal period and that during such conversion period applications for modification of facilities would be considered in a manner that is consistent with the conversion plans.

12. We believe our basic approach on this matter (i.e. each carrier making conversion consistent with a reasonable time schedule according to its circumstances) is sound. Renewal time is obviously the most convenient time to check the completion of conversion. But due to the existing renewal scheduling, the current licenses of A.T. & T., the carrier with the greatest conversion load, begin to expire on January 1, 1975, more than a year in advance of other carriers. Accordingly, some relief may be appropriate for A.T. & T. However, whether and to what extent A.T. & T., or any other carrier, should have more time can only be determined when we have examined its detailed plans for conversion. As discussed in paragraph 141 of the First Report and Order, such plans are also relevant to our consideration of applications to modify existing facilities to add new capacity in the interim.

13. Accordingly, we will give no blanket extension of time as A.T. & T. seeks. However, we do intend to allow each carrier a reasonable amount of time, consistent with its tasks and resources, to convert its existing facilities, and during the conversion period we will authorize modification of such facilities to the extent they are reasonable and compatible with the conversion plans. As noted in paragraph 2, we previously stayed the new frequency diversity rules to temporarily permit continued use of the formerly accepted protection ratios on existing routes. We then stated that this was done because adequate time had not elapsed to permit carriers to formulate and submit their conversion plans. Now that the petitions for reconsideration are being disposed of, such plans should be promptly made. In the meantime we will continue the effectiveness of the stay until April 1, 1972. After that date applications for modifications of existing facilities will be granted only if they are consistent with section 21.100 (c) of the rules or with an approved conversion plan.[5]

14. GTE briefly requests clarification of the rules with respect to the use of frequency diversity on existing "thin routes." We do not understand what needs clarifying from GTE's standpoint. In paragraph 141 of the First Report and Order we clearly stated that we would not require existing routes of one or two working channels to be converted from frequency diversity unless another carrier can show a need for the frequencies.

15. Western Union did not petition for reconsideration of the First Report and Order, but in response to A.T. & T.'s petition it requested different and substantial relief for itself. In a "Motion for Acceptance" filed on August 31, 1971 with a supplement to its response to A.T. & T.'s

[3] See paragraph 139 of the First Report and Order.

[4] As an example, if a route is begun in the 4 GHz band, it is not fully loaded until it has 11 working channels and one protection channel. It would not be fully eligible for a second protection channel until it reached an additional three channels in the 6 GHz band. Therefore, the protection would involve the need for at least 14 working channels or some 18,600 voice circuits at current channel capacity.

[5] Conversion plans should identify major routes and approximate dates of anticipated conversion. Where multiple equipment types (e.g. TD2, TH3, etc.) are to be scheduled separately, they should be so identified. If conversion is to be delayed because of unavailability of certain equipment or because of excessive costs, that matter should be fully explained. Plans for the addition of new capacity to existing facilities prior to conversion should also be discussed. Conversion plans may be modified as necessary to reflect changed circumstances or more precise estimates. The Chief, Common Carrier Bureau is delegated authority to review and approve these plans.

petition, Western Union explains that when the original pleading was filed it was still in the midst of the longest strike in its history and that management and engineering personnel were being utilized to keep its operations in public service.

16. Western Union states that it anticipates a problem with the frequency diversity rules in connection with its new route which would employ "hybrid transmission" techniques.[6] To comply with the present rules such systems, in order to be protected, would have to utilize space diversity. The problem arises, according to Western Union, in switching between one space diversity signal and another or combining the two signals. It contends that no "hitless" switch or adequate IF combiner suitable for use with heterodyne equipment is currently available.[7] Therefore, it maintains that on long haul routes present switching equipment would yield an excessive error rate and that while baseband combiners could be used, baseband repeating would not be practicable because of system noise. As a solution Western Union proposes an interim modification of the rules to permit one for one frequency diversity with the understanding that such facilities will have to be converted to space diversity when a "hitless" switch or IF combiner becomes available, if at such time the minimum requirement for frequency diversity (three working channels) has not been attained.

17. Due to the manner in which Western Union's request was filed, adequate responsive comment has not been received. In fact, only one party, Southern Pacific, made any substantive comments on Western Union's request.[8] In view of the minimal record on this matter, and the broad implications of the relief sought, we are not inclined to so modify the rules. Moreover, we note that Western Union has no currently pending proposal for long haul facilities of the type mentioned. Its technical assumptions appear to be based largely on a new transcontinental route for which it apparently has no immediate plans for building. However, as indicated in paragraph 140 of the First Report and Order, we will consider a well documented request for waiver in a particular case. Depending upon the circumstances, applications granted on a waiver basis may be conditioned to require later conversion to space diversity.

Antenna standards. 18. A.T. & T. states that it supports the principle of antenna standards, but it requests certain adjustments in the standards now contained in § 21.108(c). It notes that antenna discrimination patterns tend to change from one frequency band to another and that a single set of standards for all frequencies above 2500 MHz must involve considerable compromise. It states that none of its antennas in the 4 GHz band meet the "A" standard in all respects. A.T. & T., therefore, proposes that the minimum suppression on Standard A for 5° to 10° be reduced from 25 to 23 dB and on the Standard B for 100° up from 36 dB to 32 dB. It also requests that the minimum gain requirement be deleted.[9] It contends that minimum gain serves no useful purpose and could create more, rather than less, interference. Southern Pacific opposes A.T. & T.'s antenna requests. It states that test information supplied by several major antenna manufacturers indicates that they will have no problem meeting the new standards. It opposes diluting the standard and challenges A.T. & T.'s assertion that a minimum antenna gain serves no purpose, stating that it is the mark of performance of the antenna. GTE in its petition recommends that the antenna standards be amended to reflect the operational characteristics of the different bands and that gain standards be established for each band. It also recommends that suppression standards for near-in side lobes between 2° and 5° be established under the guidance of a technical committee.

19. We recognize that the lower band frequencies do have different performance characteristics and that side lobe suppression of such frequencies is more difficult than for higher frequencies. But rather than further compromise the standards because of the 4 GHz characteristics we have decided to make a separate standard for 4 GHz, incorporating the figures suggested by A.T. & T. Also, since power gain for similar aperture antennas is less at 4 GHz, the minimum gain will be slightly reduced under the 4 GHz standard. This should alleviate A.T. & T.'s concern and conform with GTE's suggestion. We agree with Southern Pacific's position on minimum gain and decline to delete it as a requirement. With respect to the two to five degree standards suggested by GTE, we are not convinced, in the absence of substantial explanation and comment by other parties, that such refined standards are required. This is not to say, of course, that further refinement of the standards may not be required in the future.

20. One other matter concerning the antenna standards that we wish to clarify is the applicability of such standards to receiving antennas. In the discussion of antennas at paragraph 142 of the First Report and Order no distinction was made between transmitting and receiving antennas, the obvious reason, of course, being that both types are equally important in system operation and radio interference considerations. However, the language of § 21.108(c) and the definition of a periscope antenna in § 21.1 failed to reference receiving antennas. These omissions are corrected in the amended rules.

Satellite pointing angle. 21. Section 21.108(e) of the new rules prohibits the aiming of terrestrial transmitting antennas within two degrees of the geostationary satellite orbit, with the provision that exceptions may be made under unusual circumstances. In discussing this at paragraph 125 of the First Report and Order we indicated that in such instances the applicant would be expected to submit a thorough engineering evaluation of possible impact on any authorized or proposed statellite operation as well as to propose operation on a reduced power basis. A.T. & T. states that it now operates 63 transmitting antennas in the 6 GHz band which violate this requirement. It contends that the rules impose a greater burden on carriers than required by international agreement in the latest CCIR recommendations which are in line with the revised U.S. proposals to the 1971 World Administrative Radio Conference for Space Telecommunications.[10] A.T. & T. recommends that the rules be modified to conform to the CCIR recommendations.

22. In adopting § 21.108(e) it was not our purpose to impose a greater burden on the carriers. We did intend, however, to maintain control over those facilities which would point toward the satellite orbit and impose the CCIR limitations on such facilities (see footnote 53 in the First Report and Order). Perhaps, though, our statement that a "thorough engineering evaluation of possible impact" could call for, in some cases, a rather burdensome and largely theoretical study. Therefore, we will not eliminate the case by case determination, but we will change the emphasis from one of possible impact to the need for pointing at the satellite orbit. If the applicant can demonstrate a reasonable need to direct a transmission path in the proscribed zone, we will authorize such facilities, absent indications of harmful satellite impact, subject to the CCIR recommended power limitations. As noted in paragraph 125 of the First Report and Order, no changes will be required in preexisting facilities unless they are shown to cause problems to an authorized satellite system. However, new radio channels added to such existing

[6] Western Union uses the term "hybrid transmission" to describe a microwave system simultaneously transmitting a 6.3 Megabit time division multiplex signal and a 600 channel frequency division multiplex signal on a single baseband.

[7] A "hitless" switch is one that will switch from a faded path to a diversity path without causing an impulse noise or "hit" which is reflected as an error in the data being transmitted. In lieu of a switch, a combiner may be used to combine the signals received over two diversity paths into one signal for subsequent relay to the next station. An IF combiner is one that would operate at an intermediate frequency (for use in heterodyne systems which do not bring the signals down to baseband) rather than a baseband frequency.

[8] Southern Pacific opposed Western Union's request, stating that it has had no problems on 3,000 miles of trunk circuits which utilize space diversity and that suitable IF switching equipment is available. Western Union, in its supplement, denies the suitability of such equipment.

[9] The Commission has also received a letter from Gabriel Electronics, Inc., an antenna manufacturer, making comments similar to those of A.T. & T., except that it recommends a reduction to 20 dB between 5° and 10° on the A standard.

[10] The U.S. proposal was subsequently adopted at the conference.

paths should meet the reduced power requirements.

Conclusion. 23. Consistent with the foregoing discussion, we conclude that the public interest, convenience, and necessity would be served by the amended rules set forth below. Authority for these rules is contained in sections 4(i), 303, and 403 of the Communications Act.

24. In view of the foregoing: *It is hereby ordered,* That the amended rules as contained below are adopted effective March 10, 1972.

25. *It is further ordered,* That the motion for acceptance filed by Western Union is granted.

26. *It is further ordered,* That the petitions for reconsideration filed by A.T. & T. and GTE and the request of Western Union are granted to the extent indicated herein but in all other respects are denied.

27. *It is further ordered,* That the partial stay granted by our memorandum opinion and order released July 19, 1971 (FCC 71-727) is terminated effective April 1, 1972.

28. This proceeding is terminated with respect to Issue C.

(Secs. 4, 303, 403, 48 Stat., as amended, 1066, 1082, 1094; 47 U.S.C. 154, 303, 403)

Adopted: January 26, 1972.

Released: January 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 21.1 the following definition is amended to read:

§ 21.1 Definitions.

* * * * *

Periscope antenna system. An antenna system which involves the use of a passive reflector to deflect radiation from or to a directional transmitting or receiving antenna which is oriented vertically.

* * * * *

[1] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

2. In § 21.100, paragraph (c) is amended to read as follows:

§ 21.100 Frequencies.

* * * * *

(c) Frequency diversity transmission will not be authorized in these services in the absence of a factual showing that the required communications cannot practically be achieved by other means. Where frequency diversity is deemed to be justified on a protection channel basis, it shall be limited to one protection channel for the band 3,700–4,200 MHz, one protection channel for the band 5,925–6,425 MHz, and a ratio of one protection channel for three working channels for the band 10,700–11,700 MHz. In the bands 3,700–4,200 MHz and 5,925–6,425 MHz no frequency diversity protection channel will be authorized unless there is a minimum of three working channels, except that where a substantial showing is made that a total of three working channels will be required within 3 years, a protection channel may be authorized simultaneously with the first working channel. A protection channel authorized under such exception will be subject to termination if applications for the third working channel are not filed within 3 years of the grant date of the applications for the first working channel.

* * * * *

3. In § 21.108, paragraphs (c) and (e) are amended to read as follows:

§ 21.108 Directional antennas.

* * * * *

(c) Fixed stations (other than temporary fixed) operating at 2,500 MHz or higher shall employ transmitting antennas meeting the appropriate performance standard A indicated below, except that in areas not subjected to frequency congestion, antennas meeting performance standard B may be used subject to the liability set forth in § 21.109(c). Additionally, the main lobe of each antenna operating below 5,000 MHz shall have minimum power gain of 34 dB over a referenced half wave dipole antenna, at or above 5,000 MHz the minimum gain shall be 36 dB. The values indicated represent the suppression required in the horizontal plane, without regard for the polarization plane of intended operation.

Angle from center line of main lobe	Minimum radiation suppression	
	Standard A (dB)	Standard B (dB)
Operation below 5,000 MHz		
5° up to, not including 10°	20	20
10° up to, not including 15°	29	24
15° up to, not including 20°	33	28
20° up to, not including 30°	36	32
30° up to, not including 100°	42	32
100° up to, including 180°	55	32
Operation at 5,000 MHz or above		
5° up to, not including 10°	25	20
10° up to, not including 15°	29	24
15° up to, not including 20°	33	28
20° up to, not including 30°	36	32
30° up to, not including 100°	42	35
100° up to, including 180°	55	36

* * * * *

(e) No directional transmitting antenna utilized by a station operating in the band 5925–6425 MHz shall be aimed within 2° of the geostationary satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible interference to an authorized satellite system, said transmission path may be authorized on a waiver basis where the maximum value of equivalent isotropically radiated power does not exceed: (1) 47 dBW for any antenna beam directed within 0.5° of the stationary satellite orbit or (2) 47 to 55 dBW, on a linear decibel scale (8 dB per degree), for any antenna beam directed between 0.5° and 1.5° of the stationary orbit. [Methods of calculating azimuths to be avoided may be found in: CCIR Report 393 (Green Books), New Delhi, 1970, and in "Radio-Relay Antenna Point for Controlled Interference with Geostationary Satellites" by C. W. Lundgren and A. S. May, Bell System Technical Journal, Volume 48, No. 10, December 1969. The first reference is an approximate graphical method of calculation while the second is suitable for computer calculation.]

[FR Doc.72-1612 Filed 2-2-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72-13]

PUGET SOUND AREA, WASH.

Proposed Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations by terminating the Port Madison Explosives Anchorage as published in 33 CFR 110.-230(a)(5). The reason for this termination is that the anchorage no longer meets the minimum quantity/distance safety standards.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identifying the notice (CGFR 72-13) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District will forward any comments received before March 5, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by deleting § 110.-230(a)(5).

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

Dated: January 27, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-1617 Filed 2-2-72;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NE-1]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lebanon, N.H., control zone (37 F.R. 2056) and transition area (37 F.R. 2143).

In order to provide airspace protection for IFR arrival and departure procedures at the Lebanon Regional Airport, Lebanon, N.H., it will be necessary to amend the control zone and redesignate the Lebanon 700-foot floor transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

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

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lebanon, N.H., proposes the airspace action hereinafter set forth.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Lebanon, N.H., control zone by deleting the coordinates "43°37'35" N., 72°18'10" W." and substituting "43°37'41" N., 72°18'21" W." in lieu thereof; and by adding at the end of the present description "within 2 miles each side of the centerline of runway 7 extending 6 miles from the end of the runway."

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

That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile-radius circle centered on the Lebanon, N.H., Regional Airport (43°37'41" N., 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile-radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

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

Issued in Burlington, Mass., on January 21, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.72-1576 Filed 2-2-72;8:47 am]

[14 CFR Part 103]

[Docket No. 10270; Notice No. 72-4]

MEDICINAL AND TOILET ARTICLES

Proposed Applicability

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation Regulations to add medicinal and toilet articles in small quantities carried in passenger baggage to those materials expressly excluded from the applicability of Part 103.

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 May 3, 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.

By letter of April 2, 1970, the Air Transport Association of America (ATA), petitioned the FAA to amend § 103.1(c) of the Federal Aviation Regulations to expressly exclude from the applicability of Part 103 medicinal and toilet articles in small quantities carried in passenger baggage.

Section 103.1(b) defines dangerous articles, and includes, among other things, compressed gases, corrosive liquids, and flammable liquids and solids. Each of these materials may be found in one or more forms in many toilet articles and medicines. As dangerous articles, they are subject to the special labeling, packing, and marking requirements of 49 CFR Parts 172 through 178

applicable to transportation by rail express. However, the FAA agrees with the ATA contention that it is not appropriate to so regulate the carriage of these articles when carried in small quantities in an article of crewmember or passenger baggage. Accordingly, it is proposed to add a new § 103.1(c)(5) to specifically exclude such articles from the applicability of Part 103 when they are carried in containers of 10 ounces or less in an article of crewmember or passenger baggage.

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation Regulations by changing the period at the end of § 103.1(c)(4) to a semicolon, and by adding a new subparagraph, designated (5), to read as follows:

§ 103.1 Applicability.

* * * * *

(c) * * *

(5) Medicinal or toilet articles in quantities of 10 ounces or less per container when carried in an article of crewmember or passenger baggage.

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 January 27, 1972.

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

[FR Doc.72-1577 Filed 2-2-72;8:47 am]

[14 CFR Part 103]

[Docket No. 11682; Notice No. 72-3]

TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Proposed Authority for Deviation

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation Regulations to broaden the present authority in § 103.5 to grant deviations from the provisions of that part, under certain conditions, for the carriage of dangerous articles. The present authority is limited to the flights of civil aircraft conducted within the United States. The proposed amendment would extend that authority to cover flights of civil aircraft that depart from the United States for a place outside of the United States.

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 May 3, 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.

Section 103.5 currently permits FAA Flight Standards District Offices to authorize deviations from the provisions of Part 103 for one or more flights of a particular operation, subject to certain specified conditions.

The condition in § 103.5(a)(11) limits deviation authorizations to civil aircraft in the United States. As a consequence, if an operator wishes to obtain relief from Part 103 for a flight departing from the United States for a place outside thereof, he must petition the Administrator for an exemption under the authority of § 11.25 of the Federal Aviation Regulations.

Administrative experience indicates that it would be appropriate to permit FAA District Offices to authorize deviations from Part 103 for flights departing from the United States for a destination outside of the United States. Accordingly, it is proposed to broaden the authorization limitation currently prescribed in § 103.5(a)(11) to permit deviations to be granted for flights which depart from the United States for a place outside thereof.

This proposal would also emphasize the fact that an authorization for deviation does not grant authority for flight over or into a foreign country with dangerous articles aboard, nor does it relieve the holder from obtaining proper clearance from customs officials or other government agencies for the transportation of dangerous articles outside the United States.

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation Regulations as follows:

1. Section 103.5 is amended by changing subparagraph (11) in paragraph (a) and by adding a new paragraph (e) immediately after paragraph (d) to read as follows:

§ 103.5 Authority to deviate.

(a) * * *

(11) The authorization is limited to flights of civil aircraft in the United States and to flights of civil aircraft that depart from the United States for a place outside thereof.

* * * * *

(e) An authorization for a deviation from the provisions of this part for one or more flights of an operation that have as their destination a place outside the United States does not:

(1) Grant authority for overflying a foreign country nor for landing in a foreign country; therefore, the holder of the authorization should secure permission from the foreign country or countries involved prior to flight over or into those countries with dangerous articles aboard; nor

(2) Grant relief from compliance with applicable customs regulations or the applicable regulations of any other government agencies governing the transportation of dangerous articles outside the United States.

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 January 27, 1972.

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

[FR Doc.72-1578 Filed 2-2-72;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-74; Notice No. 71-16]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cylinders Manufactured Outside United States; Reopening for Additional Comments

On June 10, 1971, the Hazardous Materials Regulations Board published Docket No. HM-74; Notice No. 71-16 (36 F.R. 11224), Cylinders Manufactured Outside the United States. In response to a petition, the Board extended the period for comments on this notice to November 1, 1971 (36 F.R. 13793).

Upon review of the comments filed, the Board is of the opinion that additional information would be beneficial in assisting it to arrive at a proper determination in this matter. Accordingly, the comment period is reopened for the purpose of receiving comments on the following questions:

1. Are changes to the specifications for cylinders in Part 178 of the Department's Hazardous Materials Regulations required to insure the safe quality of cylinders transported in the United States regardless of their origin? If so, what specific changes are required?

2. In the June 10, 1971 notice, it was proposed that the Board withdraw the authority presently vested in the Bureau of Explosives to approve inspectors in the United States and place within the Department the sole authority to approve both domestic and foreign inspectors. In light of that proposal, what specific qualifications and requirements should cylinder inspectors be required to meet in order to obtain and maintain Departmental approval?

To contribute to the information that will be available to the Board regarding these questions, representatives of the Office of Hazardous Materials will continue their study and examination of the specifications and inspection requirements. A full report of the examinations and the observations of Office of Hazardous Materials representatives will be placed in the docket.

Interested persons are invited to give their views on the questions posed in this notice. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous

Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before June 1, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9, Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on January 31, 1972.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.72-1623 Filed 2-2-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the authority contained in the "Endangered Species Conservation Act of 1969," 80 Stat. 926 (16 U.S.C. 668aa–668cc), as amended 83 Stat. 275 (16 U.SC 668cc–1 to 668cc–6), that he Secretary of the Interior proposes to amend Title 50, Part 17, Appendix A, of the Code of Federal Regulations.

The proposed amendment would add to the "U.S. List of Endangered Foreign Fish and Wildlife" the following species of mammals:

Common name	Scientific name	Where found
Cheetah	*Acinonyx jubatus*	Africa, Asia Minor, India.
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, Korea.
Tiger	*Panthera tigris*	Central Asia, China and Korea, to India, Indonesia and Malaysia.
Snow leopard	*Panthera uncia*	Central Asia.
Jaguar	*Panthera onca*	Central and South America.
Ocelot	*Felis pardalis*	Do.
Margay	*Felis wiedii*	Do.
Tiger cat	*Felis tigrina*	Costa Rica to northern South America.

Consistent with the foregoing proposal, and in recognition of the fact that by listing the species, the law will apply to their subspecies as well, it is further proposed to amend the "U.S. List of Endangered Foreign Fish and Wildlife" by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Asiatic cheetah	*Acinonyx jubatus venaticus*	U.S.S.R., Afghanistan, Iran, Pakistan (formerly India, Iraq, and Saudi Arabia).
Sinai leopard	*Panthera pardus jarvisi*	Sinai, Saudi Arabia.
Barbary leopard	*Panthera pardus panthera*	Morocco, Algeria, Tunisia.
Antolian leopard	*Panthera pardus tulliana*	Lebanon, Israel, Jordan, Turkey, Syria.
Bali tiger	*Panthera tigris balica*	Bali (Indonesia).
Javan tiger	*Panthera tigris pandaica*	Indonesia.
Caspian tiger	*Panthera tigris virgata*	Russia, Afghanistan, Iran.
Sumatran tiger	*Panthera tigris Sumatrae*	Indonesia

It is understood that subsequent to the notice period stated below, the Secretary of the Interior is not foreclosed from publishing a list which omits one or more of the species herein proposed for listing, or which retains subspecies herein proposed for delisting, or finally, which includes only some subspecies of the species herein proposed for listing.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 1, 1972.

[FR Doc.72-1667 Filed 2-1-72;12:31 pm]

CIVIL SERVICE COMMISSION

[5 CFR Part 900]

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority of section 602 of the Civil Rights Act of 1964 (42 U.S.C. section 2000d–1), the Civil Service Commission proposes to add Subpart D to Part 900 of Title 5 of the Code of Federal Regulations to implement section 601 of the Civil Rights Act of 1964. Interested persons may submit written comments, objections, or suggestions to the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments, objections, and suggestions submitted will be available for public inspection at the address given in this notice during the regular business hours of the Commission (8:15 a.m. to 4:45 p.m., Monday through Friday). The proposed Subpart D reads as follows:

Subpart D—Nondiscrimination in Federally Assisted Programs of the U.S. Civil Service Commission—Effectuation of Title VI of the Civil Rights Act of 1964

Sec.

AUTHORITY: The provisions of this Subpart D issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1.

§ 900.401 Purpose.

The purpose of this subpart is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Commission.

§ 900.402 Application of this subpart.

(a) This subpart applies to each program for which Federal financial assistance is authorized under a law administered by the Commission, including the federally assisted programs listed in Appendix A to this subpart. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this subpart pursuant to an application approved before that effective date. This subpart does not apply to:

(1) Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under a program before the effective date of this subpart, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by the Commission;

(3) Assistance to any individual who is the ultimate beneficiary under a program; or

(4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 900.404(c).

The fact that a program is not listed in Appendix A to this subpart does not mean, if title VI of the Act is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to Appendix A to this subpart.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this subpart extends to a facility located wholly or in part in that space.

§ 900.403 Definitions.

Unless the context requires otherwise, in this subpart:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Commission, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in the property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient; and

(5) A Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include services, financial aid, or other benefits provided in or through a facilitiy provided with the aid of Federal financial assistance or non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Chairman" means the Chairman of the U.S. Civil Service Commission, or, except in § 900.410, any person to whom he has delegated his authority in the matter concerned.

§ 900.404 Discrimination prohibited.

(a) *General.* A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under a program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

(i) Deny a person a service, financial aid, or other benefit provided under the program;

(ii) Provide a service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of a service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of an advantage or privilege enjoyed by others receiving a service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies an admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided a service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of person to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of person to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include a service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) Examples demonstrating the application of the provisions of this section to certain programs receiving Federal financial assistance from the Commission are contained in Appendix C of this subpart.

(6) (i) A recipient, acting in accordance with law not inconsistent with the Constitution and laws of the United States, may consider race, color, or national origin in administering a program if the purpose of that consideration is to overcome the effect of prior practices or conditions which had the effect of limiting participation by persons of a particular race, color, or national origin and to provide equal access to the program.

(ii) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take reasonable steps to overcome the effects of the prior discrimination.

(c) *Employment practices.* (1) When a primary objective of a program of Federal financial assistance to which this subpart applies is to provide employment, a recipient or other party subject to this subpart shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprentice-

ship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Commission which have as a primary objective the providing of employment include those set forth in Appendix B to this subpart.

(3) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in the employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under, the program receiving Federal financial assistance. The provisions of subparagraph (1) of this paragraph apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

§ 900.405 Assurances required.

(a) *General.* (1) An application for Federal financial assistance to carry out a program to which this subpart applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this subpart. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. The Commission shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judicial enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Commission to revert title to the property in the event of a breach of the covenant where, in the discretion of the Commission, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, the Commission may agree, on request of the transferee and if necessary to accomplish the financing, and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from government agencies.* In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially effect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Commission official if the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this subpart as respects the program.

(c) *Assurance from academic and other institutions.* (1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this subpart applies (including the programs listed in Appendix A to this subpart) shall as a condition to its approval and the extension of Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with the requirements imposed by or pursuant to this subpart, and (2) provide or be accompanied by provision for methods of administration for the program as are found by the Commission to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under the program will comply with the requirements imposed by or pursuant to this subpart.

§ 900.406 Compliance information.

(a) *Cooperation and assistance.* The Commission, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep records and submit to the Commission timely, complete, and accurate compliance reports at the times, and in the form and containing the information the Commission may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this subpart. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the Commission during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this subpart. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this subpart and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as the Commission finds necessary, to apprise the persons of the protections against discrimination assured them by the Act and this subpart.

§ 900.407 Conduct of investigations.

(a) *Periodic compliance reviews.* The Commission may from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the Commission a written complaint. A complaint shall be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Commission.

(c) *Investigations.* The Commission will make a prompt investigation whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with this subpart. The investigation will include, when appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the Commission will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 900.408.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the Commission will so inform, in writing, the recipient and the complainant, if any.

(e) *Intimidatory or retaliatory acts prohibited.* A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential; except to the extent necessary to carry out the purposes of this subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 900.408 Procedure for effecting compliance.

(a) *General.* (1) If there appears to be a failure or threatened failure to comply with this subpart, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this subpart may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (i) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the United States under a law of the United States (including other titles of the Act), or an assurance or other contractual undertaking, and (ii) an applicable proceeding under State or local law.

(b) *Noncompliance with § 900.405.* If an applicant fails or refuses to furnish an assurance required under § 900.405 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Commission shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 900.412, the Commission shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

(1) The Commission has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by informal voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart;

(3) The action has been approved by the Commission pursuant to § 900.410(e); and

(4) The expiration of 30 days after the Chairman of the Civil Service Commission has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.* An action to effect compliance with title VI of the Act by other means authorized by law shall not be taken by the Commission until—

(1) The Commission has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 900.409 Hearings.

(a) *Opportunity for hearing.* When an opportunity for a hearing is required by § 900.408(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of the Commission that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a

hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of the Act and § 900.408(c) and consent to the making of a decision on the basis of the information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Commission in Washington, D.C., at a time fixed by the Commission unless it determines that the convenience of the applicant or recipient or of the Commission requires that another place be selected. Hearings shall be held before the Commission, or at its discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Commission have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Commission and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Commission may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this subpart. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 900.410.

§ 900.410 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commission for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision of the Commission.

(b) *Decisions on record or review by the Commission.* When a record is certified to the Commission for decision or the Commission reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Commission conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Commission will be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* When a hearing is waived pursuant to § 900.409, a decision shall be made by the Commission on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Commission shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Commission.* A final decision by an official of the Commission other than by the Commissioners, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this subpart, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this subpart, or to have otherwise failed to comply with this subpart, unless and until it corrects its noncompliance and satisfies the Commission that it will fully comply with this subpart.

(g) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of the order for eligibility, or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) An applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Commission to restore fully its eligibility to receive Federal financial assistance. A request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Commission determines that those requirements have been satisfied, it shall restore the eligibility.

(3) If the Commission denies a request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Commission is in error. The applicant or recipient shall be given an expeditious hearing, with a decision on the record in accordance with the rules or procedures issued by the Commission. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 900.411 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 900.412 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* Regulations, orders, or like directions issued before the effective date of this subpart by the Commission which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin

under a program to which this subpart applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this subpart, except that nothing in this subpart relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this subpart. This subpart does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this subpart is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commission shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies, and for which it is responsible.

(c) *Supervision and coordination.* The Commission may from time to time assign to officials of the Commission, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this subpart (other than responsibilities for final decision as provided in § 900.410), including the achievement of effective coordination and maximum uniformity within the Commission and within the executive branch in the application of title VI and this subpart to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though the action had been taken by the Commission.

APPENDIX A

ACTIVITIES TO WHICH THIS SUBPART APPLIES

1. Use of grants made in connection with the Intergovernmental Personnel Act of 1970 (Public Law 91-648, 84 Stat. 1909).

2. Personnel mobility assignments of Commission personnel pursuant to title 5, U.S.C. Chapter 33 and 5 CFR Part 334 (36 F.R. 6488).

APPENDIX B

ACTIVITIES TO WHICH THIS SUBPART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. None at this time.

APPENDIX C

APPLICATION OF SUBPART D, PART 900, TO PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE OF THE U.S. CIVIL SERVICE COMMISSION

Nondiscrimination in Federally assisted programs or projects: *Examples.* The following examples without being exhaustive illustrate the application of the nondiscrimination provisions of the Civil Rights Act of 1964 of this subpart in programs receiving financial assistance under programs of the U.S. Civil Service Commission.

(1) Recipients of IPA financial assistance for training programs or Fellowships may not differentiate between employees who are eligible for training or fellowships on the ground of race, color, or national origin.

(2) Recipients of IPA financial assistance for training programs may not provide facilities for training with the purpose or effect of separating employees on the ground of race, color, or national origin.

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

[FR Doc.72-1614 Filed 2-2-72;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 750]

TORT CLAIMS AGAINST THE GOVERNMENT

Proposed Procedures

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes a new part (12 CFR Part 750) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new part to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than March 7, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 28, 1972.

PART 750—TORT CLAIMS AGAINST THE GOVERNMENT

Subpart A—General

Sec.
750.1 Scope of regulations.

Subpart B—Procedures

750.2 Administrative claim; when presented; place of filing.
750.3 Administrative claim; who may file.
750.4 Administrative claim; evidence and information to be submitted.
750.5 Investigation, examination, and determination of claims.
750.6 Final denial of claims.
750.7 Payment of approved claims.
750.8 Release.
750.9 Penalties.
750.10 Limitation of National Credit Union Administration's authority.

AUTHORITY: The provision of this Part 750 pursuant to section 120, 73 Stat. 635, 12 U.S.C. 1766.

Subpart A—General

§ 750.1 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. sections 2671-2680, accruing on or after January 18, 1967, for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the National Credit Union Administration while acting within the scope of his office of employment.

Subpart B—Procedures

§ 750.2 Administrative claim; when presented; place of filing.

(a) For purposes of the regulations in this part, a claim shall be deemed to have been presented when the National Credit Union Administration receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to the National Credit Union Administration but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to the National Credit Union Administration as of the date that the claim is received by the National Credit Union Administration. A claim mistakenly addressed to or filed with the National Credit Union Administration shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final action by the Office of General Counsel, National Credit Union Administration or prior to the exercise of the claimant's option to bring suit under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the National Credit Union Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

(c) Forms may be obtained and claims may be filed with the regional office of the National Credit Union Administration having jurisdiction over the employee involved in the accident or incident, or with the Office of General Counsel, National Credit Union Administration, Washington, D.C. 20456.

§ 750.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject matter of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 750.4 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing the cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birthdates, kinship, and marital status of the decedent's survivors, including those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts or payments for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* (1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of the treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical and/or mental examination by a physician employed or designated by the National Credit Union Administration. A copy or report of the examining physician shall be made available to the claimant upon the claimant's written request provided that claimant has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the National Credit Union Administration any other physician's reports previously or thereafter made of the physical or mental condition which is the subject of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected duration of and expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from his employment, whether he is a full or part time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damages to or loss of property, real or personal, the claimant may be required to submit the following information or evidence:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, market value of the property as of date of damage, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary for a determination of his claim within 3 months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may be thereupon disallowed.

§ 750.5 Investigation, examination, and determination of claims.

When a claim is received, the constituent agency out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation based on the merits of the case, with regard to the allowance or disallowance of the claim, to the Office of General Counsel, National Credit Union Administration to whom authority has been delegated to adjust, determine, compromise and settle all claims hereunder.

§ 750.6 Final denial of claim.

(a) Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the action of the National Credit Union Administration, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period after the date of mailing, by certified or registered mail of notice of final denial of the claim as provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the National Credit Union Administration for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the National Credit Union Administration shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) to bring suit shall not accrue until 6 months after the filing of a request for reconsideration. Final National Credit Union Administration action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

§ 750.7 Payment of approved claims.

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (S.F. 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the attorney whose address shall appear on the voucher.

§ 750.8 Release.

Acceptance by the claimant, his agent or legal representative, of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 750.9 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287–1001), and, in addition, to a forefeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 750.10 Limitation on National Credit Union Administration's authority.

(a) An award, compromise or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised or settled hereunder only after consultation with the Department of Justice when, in the opinion of the National Credit Union Administration:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the National Credit Union Administration is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled only after consultation with the Department of Justice when it is learned that the United States or any employee, agent or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

[FR Doc.72-1594 Filed 2-2-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release No. 33-5213]

INVESTMENT COMPANY ADVERTISING AND SUMMARY PROSPECTUS FOR INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the promulgation of amendments to the current rule and a new rule relating to generic advertising of investment companies and provision for a summary prospectus for investment companies.

These proposed changes would take the form of amendments to the so-called "Tombstone Rule," Rule 134 under the Securities Act of 1933 (the Act) (17 CFR 230.134), a new Rule 135A under the Act (17 CFR 230.135A) dealing with generic advertising of investment companies, an amendment to Rule 434 (17 CFR 230.434a) under the Act to permit the use of a Summary Prospectus by investment companies and an addition to Form S–5 (17 CFR 239.15), the form used for registration under the Securities Act of 1933 for securities of all open-end management investment companies registered under the Investment Company Act of 1940 on Form N–8B–1, 17 CFR 274.11 to provide for a Summary Prospectus.

Authority to amend Rule 134 is based upon section 2(10)(b) and section 19(a) of the Securities Act of 1933 (15 U.S.C. 77b, 77s). Authority to adopt Rule 135A stems from section 19(a). Authority to amend Rule 434A by permitting the use of a Summary Prospectus is based upon sections 10(b) and 19(a) of the Act (15 U.S.C. 77j, 77s) and authority to prescribe the form for the Summary Prospectus is based upon the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof (15 U.S.C. 77f, 77g, 77j, 77s).

Rule 134. Amendment to subparagraph (C) of Rule 134(a)(3). Rule 134 under the Act narrowly prescribes the information which is permissible in a tombstone advertisement. As presently constituted, this rule does not permit the inclusion by investment companies of descriptive information relating to mutual funds generally. The Complaint has frequently been made that a tombstone advertisement accomplishes nothing because many persons do not even know what a mutual fund is.

The first revision of Rule 134 is in response to this complaint and would add a clause to subparagraph (C), dealing specifically with permissible disclosures for investment companies, which would permit a general description of an investment company, its general attributes, method of operation and services offered, provided the description is not inconsistent with the operation of the particular fund mentioned in the tombstone advertisement.

The text of proposed subparagraph (C) of Rule 134(a)(3) with the added clause is as set forth below.

Proposed new paragraph (13) of Rule 134(a). The narrow prescription of what is permissible in tombstone advertising has made it impossible to combine an advertisement of other unrelated products with a tombstone advertisement. Proposed new paragraph (13) of Rule 134(a) would permit such combined advertising. The proposed rule would permit advertisements which contain offers, descriptions and explanations of products and services not constituting securities to be combined with a tombstone advertisement for a registered investment company provided such materials "do not relate directly to the desirability of owning or purchasing a security" and provided all direct references to the security otherwise comply with the rule and are placed in a separate and enclosed area in the advertisement.

The first proviso is designed to prevent an advertiser from touting its expertise as an investment adviser. The second proviso is designed to separate and disassociate, for example, the "security" and "freedom from worry" themes which appear in certain advertisements from advertisement of the equity product. Other themes which could be expected to dwell upon and extol the success of the company in its other endeavors should likewise not be closely identified with the equity product and the proposed separation will tend to serve this purpose.

The text of the entire advertisement would be subject to review to determine whether that portion of the text which refers to other products and services does relate directly to the desirability of owning or purchasing a security.

The text of the new proposed paragraph (13) of Rule 134(a) is as set forth below.

Proposed new Rule 135A—generic advertising. Generic or "institutional" advertising typically refers in general terms to securities as a medium of investment but does not refer to any specific security. Under present Staff interpretations a presumption is indulged in that a dealer who underwrites a particular fund desires to sell the specific fund it underwrites, even though it may have many other funds available for sale, and therefore cannot use generic advertising. The investment company industry has long urged that the restrictions on generic advertising have precluded investment companies from effective competition with other investment media whose advertising is not similarly restricted.

Proposed Rule 135A would permit generic advertising of investment company securities, even by dealers who underwrite particular funds or sponsors of no-load funds, provided the advertisement does not refer, except as required by the rule in specified circumstances, to the securities of a particular investment company.

An advertisement pursuant to this proposed rule would be limited to explanatory information relating to the nature of, and services offered by investment companies generally, the mention or explanation of investment companies of different generic types, and offers, descriptions and explanations of products and services not constituting securities which do not relate directly to the desirability of owning or purchasing a security ("combined" advertising). The advertisement or other communication could contain an invitation to inquire for further information and would be required to state the name and address of the broker, dealer or other person sponsoring the communication.

The proposed rule would require the disclosure under specified circumstances of the special interest of the sponsor of the communication in a particular fund or complex of funds. If, during the last calendar year, more than 30 percent of the sponsor's sales of mutual fund securities were in one mutual fund or fund complex, the sponsor must disclose the

approximate percent of its sales of that fund or fund complex during that year and must also describe its relationship to that fund or complex of funds. The purpose of this requirement is to put the reader on notice that the sponsor of the advertisement may have an incentive or predeliction to sell a particular security or group of securities even though such sponsor may have many other securities available for sale. An alternative to this disclosure requirement is provided for those advertisers who may wish to indicate indirectly—by stating the percentage of sales of the fund in which they specialize—the extent to which they sell other funds. Under this alternative, the advertiser would not state any percentage information but would merely identify the security or securities in which he specializes, state his relationship to the issuer thereof and state that he sells or sponsors such securities.

The proposed rule finally requires that the broker, dealer or other person sponsoring the communication must have available for sale the type of security, service or product therein described. This requirement would prohibit the use of a generic advertisement to arouse investor interest in a type of security which is not available.

The text of proposed Rule 135A is as set forth below.

RULE 434a, SUMMARY PROSPECTUSES

Present Rule 434a permits the use of summary prospectuses by industrial companies, but does not provide for such use by investment companies. The use of Summary Prospectuses by industrial companies is conditioned by subsections (1) and (2) of Rule 434a upon the satisfaction of certain requirements relating to net asset size, profit and loss history and the filing of reports and statements.

The proposed amendment to paragraph (a) of Rule 434a would expressly permit registered open-end investment companies to use Summary Prospectuses with certain limitations which are set forth in the proposed new instructions to Form S–5.

The text of proposed amended paragraph (a) of Rule 434a is as set forth below.

Addition to Form S–5 to provide for summary prospectus. Rule 434a, as proposed to be amended, permits the use of a summary prospectus if the registration form provides for its use. It is proposed to amend Form S–5, the registration form under the Securities Act of 1933 for securities of all open-end investment companies registered under the Investment Company Act of 1940 on Form N–8B–1, to provide for a Summary Prospectus.

The proposed addition to Form S–5 would provide in the "Instructions" paragraph that the Summary Prospectus may not be used unless a registration statement under the Securities Act of 1933 is in effect, or if at the time of its use the registrant has had a prior history of operations other than that of an investment company during the past 5 years or if certain specified transactions with affiliates have occurred during the past 3 years, or if at that time the registrant does not intend to meet the requirements of Subchapter M of the Internal Revenue Code. The instructions further provide that no sales literature may be used with the Summary Prospectus unless preceded or accompanied by the full statutory prospectus.

The Summary Prospectus would include information concerning the investment objectives of the fund, most of items 4 (if there are affirmative policies) and 5 of Form N–8B–1, information as to sales and redemption charges and advisory fees and a Per Share Income and Capital Changes Table. No financial statements or lists of investments would be included. The instructions would provide that the Commission could also require the inclusion of other information in addition to or in substitution for information specifically required in any case "where such information is necessary or appropriate for the protection of investors." It is contemplated that under this provision any material adverse facts and anything differentiating the fund from the "garden variety" mutual fund would have to be disclosed.

In view of the possibility that a prospective investor, after seeing the summary prospectus, might send in an order for mutual fund shares without first receiving the full statutory prospectus, the summary prospectus would contain a bold-face legend urging all interested persons to send for and examine the full statutory prospectus before purchasing shares of the fund.

The text of the proposed addition to Form S–5 which would immediately follow the text of the "Instructions as to Exhibits" section in the present form is as set forth below.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Proposed Commission action:

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended as indicated below:

I. Section 230.134 would be amended as follows:

A. Subdivision (iii) of subparagraph (3) of § 230.134(a) would be amended by changing the semicolon to a comma after the word "characteristics" and by adding a new clause after the word "and" reading as set forth below.

B. A new subparagraph (13) would be added to paragraph (a) of this section to read as set forth below:

§ 230.134 Communications not deemed a prospectus.

* * * * *

(a) * * *

(3) * * *

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, method of operation and services offered provided that such description is not inconsistent with the operation of the particular fund for which more specific information is being given.

* * * * *

(13) A communication concerning the securities of a registered investment company may also include any one or more of the following items of information: Offers, descriptions and explanations of any products and services not constituting securities subject to registration under the Securities Act of 1933, and descriptions of corporations provided that such offers, descriptions and explanations do not relate directly to the desirability of owning or purchasing a security, and that all direct references in such communications to a security contain only the statements required or permitted to be included therein by the other provisions of this rule, and that all such direct references be placed in a separate and enclosed area in the communication.

* * * * *

II. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new § 230.135a which would read as follows.

§ 230.135a Generic advertising.

For the purposes only of section 5 of the Act, a notice, circular, advertisement, letter, sign or other communication, published or transmitted to any person which, except as otherwise specifically provided herein, does not specifically refer by name to the securities of a particular investment company, to the investment company itself, or to any other securities not exempt under section 3(a) of the Act, will not be deemed to offer any security for sale, provided:

(a) Such communication is limited to any one or more of the following:

(1) Explanatory information relating to securities of investment companies generally or to the nature of investment companies, or to services offered in connection with the ownership of such securities,

(2) The mention or explanation of investment companies of different generic types or having various investment objectives, such as "balanced funds", "growth funds", "income funds", "leveraged funds", "specialty funds", "variable annuities", "bond funds", and "no-load funds",

(3) Offers, descriptions and explanations of various products and services not constituting a security subject to registration under the Act, provided that such offers, descriptions and explanations do not relate directly to the desirability of owning or purchasing a security,

(4) Invitation to inquire for further information, and

(b) Such communication contains the name and address of a registered broker or dealer or other person sponsoring the communication.

If a registered broker or dealer named as the sponsor of the communication has

sold, during the last calendar year, securities of registered open-end investment companies with the same or affiliated investment advisers which have an aggregate offering price in excess of 30 percent of the aggregate offering price of the securities of all open-end investment companies sold by such broker or dealer during such period, or if the communication is sponsored by an adviser to a registered investment company, any communication described above shall identify such securities by name. Such identification shall describe the relationship of such broker, dealer or other person to the issuer of such securities and state the approximate percent represented by sales of such securities of the aggregate offering price of all open-end investment company securities sold by such broker or dealer or sponsored by such other person during such period or such identification may state that such broker, dealer or other person sells or sponsors such specified securities. Securities of open-end investment companies sold in connection with an initial public offering or the reinvestment of dividends or capital gains distributions shall not be included in the above computation. With respect to any communication describing any type of security, service or product, the broker, dealer or other person sponsoring such communication must offer for sale a security, service or product of the type described in such communication.

III. Section 230.434a would be amended as follows:

Paragraph (a) of § 230.434a would be amended by (i) inserting a comma after the word "and" and by (ii) adding, after the word "if" a new clause reading as set forth below.

As amended, § 230.434a(a) would read as follows:

§ 230.434a Summary prospectuses.

(a) A summary prospectus prepared and filed as part of a registration statement in accordance with this rule shall be deemed to be a prospectus permitted under section 5(b)(1) of the Act, if the form used for registration of the securities to be offered provides for the use of a summary prospectus and, if the issuer is not a registered open-end investment company, either of the following conditions is met.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

IV. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding new instructions as to Summary Prospectuses to § 239.15.

§ 239.15 [Amended]

NOTE: Copies of the text of the proposed amendments to the rules and form and the proposed new rule is contained in Release No. 33-5213, copies of which have been filed with the Office of the Federal Register, and copies of the release may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit data, views, and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25 D.C., on or before January 30, 1972. Except where it is requested that such communications be kept confidential, they will be considered available for public inspection. (See Release No. 5230 extending time for comments until February 29, 1972.)

(Secs. 2, 6, 7, 10, 19, 48 Stat. 74, 78, 81, 85; 15 U.S.C. 77b, 77f, 77g, 77j, 77s)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1565 Filed 2-2-72;8:45 am]

[17 CFR Parts 230, 239]

[Release No. 33-5230]

INVESTMENT COMPANY ADVERTISING AND SUMMARY PROSPECTUS FOR INVESTMENT COMPANIES

Extension of Time for Submission of Comments

The Securities and Exchange Commission has extended from January 30, 1972 until February 29, 1972, the period of time within which written comments and views may be submitted on its proposals to adopt a new Rule 135a and to adopt amendments to Rule 134 relating to investment company advertising, and Rule 434A relating to summary prospectuses, and proposals to revise Form S-5 to provide for Summary Prospectus for open-end investment companies registered under the Investment Company Act of 1940 on Form N-83-1. The proposed amendments to the rules and form was announced on December 1, 1971 in Securities Act Release No. 5213.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 24, 1972.

[FR Doc.72-1566 Filed 2-2-72;8:46 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 7576]

MISSOURI

Notice of Proposed Withdrawal and Reservation of Land

The U.S. Forest Service Department of Agriculture, has filed application ES 7576 for the withdrawal of the land described below, subject to valid existing rights, for addition to the Clark National Forest, Mo.:

FIFTH PRINCIPAL MERIDIAN

T. 31 N., R. 4 E.,
Sec. 6, N½ lot 1 of SW¼.

The area described contains 40 acres in Iron County.

The land is situated in a rough mountainous area, one-half mile south of the southern boundary of the Clark National Forest. The applicant desires that the land be added to the national forest to promote the efficient management of lands and national resource conservation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

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

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

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

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

DORIS A. KOIVULA,
Manager.

JANUARY 27, 1972.

[FR Doc.72-1615 Filed 2-2-72;8:50 am]

[N-6043]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1972.

The Corps of Engineers on behalf of the U.S. Air Force has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining laws (30 U.S.C., Ch. 2), and the mineral leasing laws.

The applicant desires the land for use as a housing area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502.

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

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 56 E.,
Tract 42C.

Containing 40 acres.

ROLLA E. CHANDLER,
Chief,
Division of Technical Services.

[FR Doc.72-1596 Filed 2-2-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Cairo, Ill., Grain Inspection Point

Statement of considerations. The Woodson-Tenent Laboratories, Inc., Memphis, Tenn., has proposed that its designation under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75 (m)) to operate the official grain inspection agency at Cairo, Ill., be transferred.

J. R. Simpson, Cairo, Ill., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate the official grain inspection agency at Cairo, Ill. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Cairo, Ill., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act. NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Cairo, Ill.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All 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)). Consideration will be given to the written data, views, or arguments so filed with

the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., this 28th day of January 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1618 Filed 2-2-72;8:50 am]

GRAIN STANDARDS

Port Arthur, Tex., Grain Inspection Point

Statement of considerations. The Houston Merchants Exchange, Houston, Tex., has proposed that its designation under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate the official grain inspection agency at Port Arthur, Tex., be transferred.

The Beaumont Board of Trade, Beaumont, Tex., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate the official grain inspection agency at Port Arthur, Tex. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Port Arthur, Tex., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act. NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Port Arthur, Tex.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All 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)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., this 28th day of January 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1619 Filed 2-2-72;8:50 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ASBESTOS-CEMENT PIPE FROM JAPAN

Determination of Sales at Less than Fair Value

Information was received on November 13, 1970, that asbestos-cement pipe from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of November 3, 1971.

I hereby determine that for the reasons stated below, asbestos-cement pipe from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.a.s. port price for exportation to the United States the included inland freight charges and inspection fees.

Home market price was based on the weighted-average delivered prices. Deductions were made for inland freight charges and inspection fees. Adjustments were made for differences in credit terms, advertising, commissions, technical services, breakage, and packing costs, as appropriate.

Comparison between purchase price and the adjusted home market price revealed the adjusted home market price to be higher than purchase price.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

FEBRUARY 1, 1972.

[FR Doc.72-1699 Filed 2-2-72;9:33 am]

ATOMIC ENERGY COMMISSION

GENERAL MANAGER'S FINAL ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that two final environmental statements issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. The statements are:

Plutonium Recovery Facility, Rocky Flats Plant, Colo., and
Plutonium Facility, Los Alamos Scientific Laboratory, N. Mex.

The statements will also be in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439, and the New York Public Document Room, 376 Hudson Street, New York, NY 10014.

The draft environmental statements will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 28th day of January 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-1579 Filed 2-2-72;8:47 am]

[Docket No. 50-89]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 18 to Facility License No. R-38 dated May 3, 1958. The license presently authorizes Gulf General Atomic Inc. to possess, use, and operate the TRIGA Mark I nuclear reactor located at its Torrey Pines Mesa site in San Diego, Calif., at power levels up to 250 kilowatts (thermal). The amendment incorporates technical specifications in the license and restates the license in its entirety to include all of the amendments currently pertinent to the operation of the facility.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave

to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated November 29, 1971; and (2) the amendment to facility license which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of January 1972.

For the Atomic Energy Commission.

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

[FR Doc.72-1581 Filed 2-2-72;8:47 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to the Environmental Report" by the Vermont Yankee Nuclear Power Corp. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301. The report is also being made available to the public at the Planning and Community Services Agency, State Office Building, Montpelier, Vt. 05602 and the Windham Regional Planning Commission, 67 Main Street, Brattleboro, VT 05301. This report discusses environmental considerations related to the proposed operation of the Vermont Yankee Nuclear Power Station located in Vernon, Vt.

After the Supplemental report has been analyzed by the Commisson's Director of Regulation or his designee, a draft detailed statement of environmental considerations will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Divsion of Reactor Licensing.

[FR Doc.72-1582 Filed 2-2-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542]

ATC BYLAWS INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding has been postponed from March 1, 1972, to April 10, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 28, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-1621 Filed 2-2-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19165, 19166; FCC 72 R-26]

BANGOR BROADCASTING CORP. AND PENOBSCOT BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Bangor Broadcasting Corp., Bangor, Maine, Docket No. 19165, File No. BPH-6863; Penobscot Broadcasting Corp., Bangor, Maine, Docket No. 19166, File No. BPH-6916, for construction permits.

1. This proceeding involves the mutually exclusive applications of Bangor Broadcasting Corp. (Bangor) and Penobscot Broadcasting Corp. (Penobscot) for a permit to construct and operate a new FM broadcast station on Channel 225 at Bangor, Maine. By Order, FCC 71-220, 36 F.R. 5154, published March 17, 1971, the Commission designated the two applications for hearing on various issues including Suburban issues against both applicants and the standard comparative issue. By Memorandum Opinion and Order, FCC 71R-141, 21 RR 2d 953, released May 4, 1971, the Review Board denied a motion filed by Penobscot on April 1, 1971, requesting the addition of a comparative programing issue.[1] Presently before the Review Board is a further motion to enlarge issues, filed August 13, 1971, by Penobscot, which seeks the addition of undue concentration of control, anticompetitive conduct, and nondisclosure issues against Bangor, and comparative efforts and programing issues.[2]

Anticompetitive conduct and undue concentration of control issues. 2. Penobscot requests the addition of anticompetitive conduct and undue concentration of control issues against Bangor premised on the media ownership interests of its principal stockholder in the State of Maine.[3] In particular, Penobscot submits that Melvin L. Stone, Bangor's principal owner and president, owns interests in two Maine AM stations and one Maine FM station; is the creditor of a Maine radio station and of a Maine television station; and owns the Lobster Network (Network), a sales representative firm which sells time on seven Maine radio stations, including stations owned by Stone. Movant explains that the Network,[4] of which Stone is also president and general manager, sells time to local, regional, and national advertisers and agencies on behalf of a group of seven radio stations[5] in Maine. Reciting facts taken from Stone's testimony at the July 20, 1971, hearing in this proceeding (see note 3, supra), movant alleges that the Network has its own rate card which includes the rates of both member stations and the Network; and handles billing, distributes proceeds, and prepares affidavits of performance for member stations. Penobscot argues that the Network practice of offering to prospective advertisers group discounts ranging from

---

[1] While denying Penobscot's request for the addition of a comparative programing issue, the Board directed that evidence as to program duplication by Bangor will be admissible at the hearing under the standard comparative issue. 21 RR 2d at 954.

[2] Also before the Review Board are: (a) Opposition, filed Sept. 22, 1971, by Bangor; (b) comments, filed Sept. 22, 1971, by the Broadcast Bureau; and (c) reply, filed Oct. 6, 1971, by Penobscot.

[3] Penobscot submits that the testimony at the July 20 and 21, 1971, hearing sessions provide the bases for all the issues requested in the instant motion, and therefore that there is good cause for the late filing. (The designation order was published in the FEDERAL REGISTER on Mar. 17, 1971; enlargement requests were due to be filed by Apr. 1, 1971; and the instant motion was filed on Aug. 13, 1971.)

[4] The Lobster Network is not a network as used in the classical sense (e.g., NBC, ABC, or CBS), in that it does not distribute programs to affiliated stations.

[5] Going from south to north in Maine, Stone identified these stations at the hearing as: WSME, Sanford; WLOB, Portland; WCLU, Lewiston; WRUM, Rumford; WGHM, Skowhegan; WGUY, Bangor; and WEGP, Presque Isle. Penobscot notes that the 1971 edition of Broadcasting Yearbook lists AM Station WABK, Gardner, as a member of the Lobster Network.

2 to 15 percent, depending on the rate and the number of Network stations purchased on one order, is, in itself, price fixing which is proscribed by the Commission's 1963 Public Notice on Combination Advertising Rates, 28 F.R. 1161, 24 RR 930 (1963), and by the Nation's antitrust laws. In addition, Penobscot cites several Supreme Court decisions which hold that any combination, conspiracy, or agreement which interferes with the setting of prices by free market forces is unlawful per se;[6] therefore, the Network's discount arrangement, movant argues, amounts to an interference with free market forces.

3. In further support of its charge of price fixing, Penobscot alleges that member stations apparently agree upon uniform discounts; that membership in the Network tends to produce strict adherence to uniform discounts because Network salesmen sell time on other Network stations as well as their own,[7] and each member station is therefore privy to information with respect to transactions between fellow members and advertisers. Movant further argues that this practice is especially anticompetitive when viewed in light of the Network's coverage of Maine's market for broadcast advertising. In particular, Penobscot, relying on an engineering statement attached to its further motion,[8] alleges that the service areas of the Network stations would encompass a minimum of 75 percent of the population of the State of Maine and that three of the Network stations (WRUM, WGHM, and WSME) enjoy a monopoly position in their respective service areas.[9] These coverage factors, in conjunction with the Network's group discounts, Penobscot argues, place non-Network stations in an unfair position. In Penobscot's view, Stone's representation of member stations through the Network tends to eliminate natural competition among these stations and between these stations and Stone's own stations for broadcast advertising; moreover, it gives Stone a direct and substantial interest in the financial success of member stations, thereby further tending to eliminate competition.

4. Movant also requests an issue inquiring into whether a grant of Stone's FM application would result in an undue concentration of media control in Maine, including FM broadcasting, inconsistent with the public interest. In support of its request, Penobscot recites facts taken from Stone's testimony at the hearing which indicate that: He and his wife are 100-percent owners of the licensees of AM Stations WGUY, Bangor, and WRUM, Rumford; he himself is 50-percent owner of the licensee of FM Station WDCS, Portland, Maine; and he is presently a creditor of the licensees of WGHM (AM), Skowhegan, and of WEMT–TV, Bangor, in the amount of $100,000 and $25,000, respectively. Moreover, Penobscot avers, WGHM–FM duplicates the programing of WGHM 10 percent, and WCOU–FM duplicates WCOU 90 percent, thereby making them de facto Network member stations since WGHM and WCOU are member stations and subject to any control exercised by Stone. Penobscot argues that the above facts parallel those in Brown Broadcasting Company, 3 FCC 2d 887, 8 RR 2d 55 (1966), where the Board added a concentration of control issue against an applicant for an AM station in North Carolina. In Brown, according to Penobscot, the applicant owned three AM radio stations located on a direct line from the Virginia border across northeastern North Carolina; the proposed standard broadcast station would also have been on this line; the three existing stations were sold in combination; and the proposed fourth station was also to be sold in combination.

5. In opposition, Bangor asserts that cases cited by Penobscot in support of the anticompetitive issue dealt with "must buy," "forced sales," or "forced combination sales" arrangements which do not, Bangor contends, exist between the Lobster Network and its member stations. Although the Network does publish a rate card reflecting Network rates, Bangor argues that member stations' rates, which are printed on the Network's card, are set by the stations individually, and not by the Network. Bangor further argues that the Commission, in WBBF, Inc., 24 FCC 179, 16 RR 981 (1958), condoned the use of combination rates where the combination purchase was not forced and even where there was substantial overlap, because there was no evidence tending to establish injury to the public interest. With respect to the undue concentration of control issue, Bangor maintains that no legal agency exists between the network and member stations, and, if the Network has any status, it is that of an "independent contractor" serving in the same capacity as a sales representative firm. Bangor also asserts that Stone exercises no "control" over those Network member stations which he does not own. In this regard, Bangor contends that, "control can only be exercised by management and/or ownership of a license." The Broadcast Bureau believes that Penobscot has presented sufficient allegations of fact to warrant further exploration at the hearing. However, the Bureau neither supports nor opposes the particularly worded issues requested by Penobscot, but rather recommends the addition of a cross-interest issue based on the reasoning in Golden West Broadcasters, 16 FCC 2d 918, 15 RR 2d 938 (1969); and Eastern Broadcasting Corp., 30 FCC 2d 745, 22 RR 2d 475, review dismissed 32 FCC 2d 187 (1971).[10]

6. The Review Board will grant Penobscot's request for anticompetitive and undue concentration of control issues against Bangor.[11] It is undisputed that Stone, the owner of Bangor, is also the owner of the Lobster Network and of two member radio stations; that the Network sells time on the stations in combination and offers discounts; that member stations' salesmen serve as Network salesmen; and that three of the Network stations are in one-station markets. Based on these facts, the Board is of the opinion that sufficient allegations have been made to warrant an evidentiary inquiry into aspects of the operations of the Network which might constitute price fixing and methods of unfair competition. Compare Eastern Broadcasting Corporation, supra, 30 FCC 2d at 756, 22 RR 2d at 485, where we held that "sufficient allegations [were] not submitted to warrant adding a[n] * * * unfair competition issue." Bangor's argument that the Network's admitted practice of combination discount selling is excused by the fact that other advertising agencies in Maine also sell time in combination discount is unconvincing. First, the several radio stations in Maine not affiliated with a combination selling group are "entitled to face broadcast competitors, not combinations." Combination Advertising Rates, supra, 28 F.R. at 1161, 24 RR at 931. Second, as Penobscot argues in its reply, the existence of other advertising combinations in Maine does not excuse the potentially anticompetitive impact of the Network's sales practices,[12] and it is Stone's qualifications with which we are concerned, not with those of parties not before us.

7. The Commission has a general policy which prohibits combination advertising rate agreements by independent licensees serving substantially the same area on grounds that such arrangements raise serious questions under the policies underlying the antitrust laws, conflict with established Commission multiple ownership policies, and are contrary to the public interest. Combination Advertising Rates, *supra*. In the Public Notice,

[6] Citing United States v. Container Corp. of America, 393 U.S. 312 (1969); United States v. Sacony-Vacumm Oil Company, 310 U.S. 150 (1940); and Prairie Farmer Publishing Co. v. Indiana Farmers Guide Publishing Co., 88 F. 2d 979 (7th Cir.), cert. den. 301 U.S. 696, pet. reh. den., 302 U.S. 773 (1937).

[7] According to Penobscot, Stone testified at the hearing that the relationship between the Network and the salesmen of member stations is one of "employer-employee". Tr. 178.

[8] The engineering affidavit concludes that the combined population served by all Network stations, including the FM proposal of Bangor and WEMT–TV, of which Stone is a creditor, would be 78.4 percent of the 992,048 persons in Maine (1970 Census), and would cover a land area of 47.9 percent of the 30,920 square miles constituting the State of Maine.

[9] One of these stations (WRUM) is owned by Melvin Stone.

[10] The Bureau notes that Penobscot's request is late filed, but believes that movant has met the Edgefield-Saluda test by showing good cause for the late filing. The Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966).

[11] The Review Board is persuaded that good cause has been shown for the acceptance of the instant motion insofar as the requested anticompetitive, concentration, and disclosure issues are concerned. (See paragraph 16, infra.) In any event, Penobscot's motion raises serious public interest questions which warrant consideration of the motion on its merits. See The Edgefield-Saluda Radio Company, supra. See also Eastern Broadcasting Corp., *supra*.

[12] Cf. Kiefer-Stewart Company v. Joseph E. Seagram and Sons, 340 U.S. 211, 214 (1951); P. F. Colliers and Son Corp. v. FTC, 427 F. 2d 261 (6th Cir. 1970).

the Commission stated that: "It is clear that inherent in combination rate agreements is the element of price fixing by independent parties who should be competing with one another." 28 F.R. at 1161, 24 RR at 931, citing Radio Fort Wayne, Inc., 9 RR 1221, 1222(k) (1954). In the only reported case decided under the Public Notice to date (FM Group Sales, Inc., 2 RR 2d 1110 (1964)), the Commission deferred its proscription on combination advertising rates in order to foster the development of fledgling FM radio stations; however, the Commission had two reservations in granting the waiver. First, the Commission questioned "whether the lower rates offered solely for purposes of a group plan results in open and fair competition so far as the FM station which might choose not to participate in the FM Sales Group plan is concerned and the advertiser who would prefer to deal with a single station." The Commission's second reservation concerned the activities of one Lester Vihon, who was simultaneously an officer and shareholder of FM Group Sales and a licensee of a Chicago FM station represented by FM Group Sales. The Commission saw a potential conflict of interest between Vihon's duty as an agent for the FM Sales Group and his interest as a station owner where an advertiser might decide to buy some, but not all, of the members of the group. In our opinion, the facts alleged by Penobscot regarding Stone and his Lobster Network raise similar questions in this proceeding. Moreover, it is well established that the Commission has the authority and the responsibility to preclude broadcasters from engaging in activities which violate the country's antitrust laws. Midcontinent Broadcasting Co. of Wisconsin, Inc., 11 RR 2d 1081 (1967). Bangor's reliance on the WBBF case, *supra*, is not persuasive. The case is factually distinguishable because there only two stations were sold; both were commonly owned; and the Commission found no substantial overlap between the stations. Therefore, the Commission concluded that several stations which were commonly owned could offer discounts as long as such practices were not contrary to the public interest. The Board is not persuaded that WBBF, a 1958 case, can be construed to mean that the Commission now "condones" combinations of independent licensees offering discounts to advertisers for member stations bought in one purchase, particularly in light of the Commission's 1963 Public Notice proscribing such activities. See also FM Group Sales, Inc., *supra*.

8. A concentration of control issue against Bangor is also warranted. Section 73.240 of the Commission's rules prohibits any grant of license which "would result in a concentration of control of FM broadcasting in a manner inconsistent with public interest, convenience, or necessity." In this case, Penobscot has presented ample data concerning the size, extent, and location of the areas to be served by Bangor; the number of people served; the classes of stations involved; the number and types of competing media; and the degree of Bangor's control of particular media.[13] See Rule 73.204(a)(2). See also Lee Enterprises, Inc., 18 FCC 2d 684, 16 RR 2d 904 (1969). Compare Harvit Broadcasting Corp., 18 FCC 2d 459, 16 RR 2d 713 (1969). In this case, Stone owns two radio stations which are members of the Network and thereby can be sold jointly; Stone owns 50 percent of FM station WDCS, and is a creditor of Stations WGHM (AM) and WEMT–TV, all in Maine; and Stone intends to sell the proposed FM station in Bangor along with present Network stations.[14] These facts are sufficient to raise a question of undue concentration of control in Maine. As explained in Brown Broadcasting Company, supra, the danger to be avoided in such combinations is the economic leverage that stations offering joint rates and discounts would have over their competitors. Cf. Des Moines County Broadcasting Co., 37 FCC 638, 3 RR 2d 416 (1964). Bangor's attempt to distinguish Brown on grounds that the same people owned the three existing stations and that there was evidence of forced combination selling is not persuasive because, like Brown, we are here concerned with the stations owned by Stone which are sold jointly vis-a-vis the Network. We also note that in Brown there was no showing of forced selling, as Bangor suggests; however, the petitioner in Brown did point out the extensive amount of population that would be served by granting a fourth station to the applicant selling in combination. That is also the case here. See paragraph 3, supra.

9. The Broadcast Bureau's recommendation for the addition of a cross-interest issue, although well taken, cannot be adopted. Technically, a cross-interest issue, as such, is warranted only where an applicant operates or has some meaningful relationship with a station in broadcast services serving substantially the same area as the applied for station. Rule 73.240(a)(1); Multiple Ownership Rules (Docket 15627), 13 FCC 2d 357, 358; 13 RR 2d 1601, 1602 (1968). The Commission has defined "substantially the same area" as a 1 mv/m overlap between two or more stations in which the broadcaster will have any degree, direct or indirect, of cross-interests. Multiple Ownership Rules (Docket 18110), supra, 22 FCC 2d at 307, 18 RR 2d at 1737. Other than two instances of overlap, as revealed by Penobscot's coverage contour map, there is no showing that a grant to Bangor of the FM station will result in "cross-interest." That is, Station WDCS–FM, Portland, which is 50 percent owned by Stone, is located in the same city as Network member Station WLOB (AM); and Station WDCS–FM's 1 mv/m contour encompasses the city of Lewiston, which is located north of Portland, and is the city of license of Network member Station WCLU (AM). However, this is not to say that the public interest consideration underlying the Commission's cross-interest policy are not applicable to this case. Cf. Berwick Broadcasting Corp., 12 FCC 2d 8, 9, 12 RR 2d 665, 668 (1968). In this case, Penobscot has made specific allegations of fact which are sufficient to raise serious public interest questions as to whether Stone's dual interests in a sales representative firm and a proposed broadcast station serving the same general area (i.e., the coastal area of Maine) may be contrary to the public interest. Therefore, an appropriate issue will be added.

Nondisclosure issue. 10. In support of its requested nondisclosure issue, Penobscot alleges that, although an applicant is required by table II, section II of FCC Form 301 to list all of its business interests, Bangor, in its application failed to disclose Stone's ownership interest in the Lobster Network.[15] Penobscot argues that this nondisclosure is particularly important because Stone, as president of Bangor, personally signed the application. Furthermore, Penobscot maintains, the nondisclosure is particularly reflective on Bangor's (and Stone's) qualifications to be a Commission licensee because of the subject matter of the nondisclosure, i.e., other business interests.

11. In its opposition, Bangor denies that it failed to report Stone's interest in the Lobster Network and claims that section II of its application incorporated this information by reference to licenses on file with the Commission. See note 11, supra. The Broadcast Bureau agrees with Penobscot that Bangor did not adequately represent in its application Stone's interest in the Network, thereby warranting a nondisclosure issue. The Bureau believes that this case is factually distinguishable from Hartford County Broadcasting Corp., 9 FCC 2d 698, 10 RR 2d 1083 (1967), where the Board did not add a Rule 1.65 issue. The Bureau also

[13] The Commission's multiple ownership rules have a two-fold objective: (1) fostering maximum competition in broadcasting; and (2) promoting diversification of programing sources and viewpoints. The concentration of control rules are aimed at achieving these two-fold objectives nationally and regionally, whereas the cross-interest rules attempt to achieve the same objective locally and regionally; therefore, unlike a request for a cross-interest issue, which involves a showing of a 1 mv/m overlap between an applicant's existing station and the station for which he is applying, there is no overlap showing required in requesting an undue concentration of control issue. Multiple Ownership Rules (Docket 18110), 22 FCC 2d 306, 18 RR 2d 1735 (1970).

[14] Although Stone testified at the hearing that the programing format of FM Station WDCS would make it difficult to include it as part of a Network package sale, he stated that he had hopes of selling the station as part of the Network (Tr. 180).

[15] Section II of Bangor's application reads as follows:

"Information in this section is already on file with the Federal Communications Commission. Applicant is the owner of WGUY, Bangor, Maine. FCC File Number BML–2178 and BR–1746. No change since last date of filing."

Penobscot points out that Bangor removed section II from its application and replaced it with a plain sheet of paper containing the above.

requests that the Board, on its own motion, add a Rule 1.65 issue against Bangor because of Bangor's failure to amend its application to reflect the assignment of license for FM Station WLOB from Portland Broadcasting Corp. to Dirigo Communications, Inc., in which Stone has a 50-percent-ownership interest.[16] Neither Penobscot nor Bangor have filed comments on the Bureau's request.

12. In the Board's opinion, substantial questions have been raised as to whether Stone fully disclosed all of his broadcast interests in his FM application in compliance with Commission Rule 1.514[17] and whether Bangor failed to update its application pursuant to Rule 1.65. No factual dispute exists as to Stone's ownership interest in the Network and that it existed prior to the filing of the application; however, from table II of section II of Bangor's application, and from the material incorporated by reference therein, one would be unable to determine whether Stone had any financial or ownership interest in the Lobster Network. All information called for by the Commission in the application which might have a substantial bearing on the status of the application and which might have a significant impact on the determination of a grant of the application should be before the Commission in the initial application. See Folkways Broadcasting Company, Inc., 26 FCC 2d 175, 20 RR 2d 528 (1970). That is not so in this case. As the Bureau points out, the present case is clearly distinguishable from Hartford, supra, where we held that a "specific reference" in the application to other documents, thereby incorporating those documents into the application, did not necessarily violate Commission Rule 1.65. Finding no specific reference to Stone's interest in the Network in Bangor's application,[18] we therefore believe that a nondisclosure issue is warranted. Although the Bureau's request for a Rule 1.65 issue against Bangor is procedurally deficient, the issue will be added on our own motion because of the seriousness of the matter. The Board thus agrees with the Bureau that Bangor's failure to amend its application to reflect the assignment of license for Station WLOB–FM (now WDCS–FM) raises serious questions as to whether Bangor has kept the Commission informed of changes material to its application. See De Witt Radio, 18 FCC 2d 494, 16 RR 2d 821 (1969). See also Folkways Broadcasting Co., supra.

Comparative efforts and programing issues. 13. In support of its request to add comparative issues on ascertainment efforts and programing,[19] Penobscot asserts that, although the Commission's proposed Primer on Ascertainment of Community Problems by Applicants, 20 FCC 2d 880 (1969), was released nearly 15 months before the designation order in this proceeding, Bangor failed to conform its ascertainment efforts to the proposed Primer. Movant claims that Bangor's reliance on a talk show diary, complaint letters, conversations with talk show guests and a survey by an independent public relations firm did not comply with the proposed Primer's requirements of personal contacts by applicants with representative community leaders and the general public. In comparison, Penobscot avers that its "ascertainment study was complete in detail." Movant further asserts that Bangor did not relate its proposed programing to problems within the community. In comparison, Penobscot points to its unamended ascertainment survey wherein it identified 22 problem areas and proposed to deal with those problems.

14. In opposition, Bangor asserts that, not only has it complied with the Primer[20] through an amendment to its initial Suburban survey,[21] but it has policies as an existing licensee of constantly conducting community surveys to ascertain problems, needs, and interests of the Bangor area. Bangor views Penobscot's request as an attempt by it "to overcome [Penobscot's] own deficiencies" in its Suburban survey. The Bureau, employing the Edgefield-Saluda test, argues that Penobscot's request is late filed and that good cause for adding comparative efforts and programing issues has not been shown. The Bureau notes that Penobscot relies on its own and Bangor's preamended applications, which were available prior to the expiration of the 15-day filing period prescribed by Rule 1.229(c). Thus, the Bureau argues, since both applicants have amended their Suburban showings to conform with Primer, no useful purpose would be served by going into preamendment showings. In reply, Penobscot takes the position that the Board is precluded from considering the applicant's amended showing by virtue of the Commission's June 4, 1971, Public Notice on Amendments by Applicants in Pending Hearing Cases to Comply with the Primer on Community Problems, 30 FCC 2d 136, 21 RR 2d 1746.

15. The Board agrees with the Broadcast Bureau that the request for comparative efforts and programing issues is late filed and that good cause has not been shown for adding the issues. The materials relied upon by Penobscot in support of adding the issues were available prior to the expiration of the 15-day filing period prescribed by Rule 1.229(c). The Edgefield-Saluda Radio Company, supra. Furthermore, Penobscot's explanation for filing late, i.e., confusion over the Commission policy on the Suburban issue and revelation of testimony at the hearing, does not excuse the untimely filing. The Board further concludes that movant has failed to show any significant difference between its proposed programing in its initial survey and Bangor's, nor has it related its claimed substantial superiority in programing to its ascertainment of community needs as required under the Chapman test. See Chapman Radio & Television Company, 7 FCC 2d 213, 9 RR 2d 635 (1967). See also Voice of Dixie, Inc., 20 FCC 2d 867, 17 RR 2d 1199 (1969); and Port Jervis Broadcasting, Inc., 15 FCC 2d 44, 14 RR 2d 572 (1968). Merely pointing out the deficiencies in Bangor's Suburban survey, as movant does here, is not sufficient to warrant adding comparative efforts and programing issues. We also believe that movant has failed to meet the Chapman test with respect to the amended Suburban surveys of the applicants.[22] Finally, Penobscot's construction of the Commission's Public Notice on Amendments by Applicants in Pending Hearing Cases to Comply with the Primer on Ascertainment of Community Problems, supra, as precluding consideration of amended surveys is clearly incorrect. In Eastern Broadcasting Corp., 31 FCC 2d 724, 22 RR 2d 969 (1971), we interpreted the Commission's Public Notice to mean, "that amendments should not be considered in determining whether comparative preferences or demerits should be assessed when comparative efforts and/or programing issues have been specified prior to the filing of the amendment." 31 FCC 2d at 725, 22 RR 2d at 967. This means that in deciding whether or not to add comparative efforts and/or programing issues in the first instance, the Board (or Commission) can and will consider amended community survey showings. In our view, this is not only logical, but legally correct as well.

16. *Accordingly, it is ordered*, That the further motion to enlarge issues, filed August 13, 1971, by Penobscot Broadcasting Corp., is granted to the extent herein indicated, and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether Melvin L. Stone, owner of Bangor Broadcasting Corp., has engaged in or at anticompetitive activities and practices which are

[16] The assignment was approved by the Commission on Jan. 21, 1971.

[17] Rule 1.514 requires an applicant to: "• • • include all information called for by the particular form on which the application is required to be filed, unless the information called for is inapplicable, in which case this fact shall be indicated."

[18] Neither file number specifically referred to in Bangor's application (see note 14, supra) discloses that Stone owns the Lobster Network. The other information given by Bangor (i.e., "already on file with the • • • Commission") is too vague to satisfy the requirements of Commission Rule 1.514. See note 16, supra.

[19] Although this is Penobscot's second request for a comparative programing issue, the bases for the two requests differ (see paragraph 1, supra). Therefore, the instant motion will be considered on its merits. See Alvin L. Korngold, 32 FCC 2d 471, 472 n. 4, 23 RR 2d 267, 269 n. 4 (1971).

[20] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[21] By Order, FCC 71M–919, released June 10, 1971, Bangor's petition for leave to amend its application to reflect the results of a more recent community survey was granted by the Examiner. In the same order, the Examiner also granted Penobscot's petition to amend its Suburban showing.

[22] In footnote 6 to its reply, Penobscot submits that the requested issues are warranted based on a comparison of the amended surveys; however, Penobscot makes no efforts to comply with the Chapman test as to the amended surveys, either.

illegal or otherwise inconsistent with the public interest; and if so, whether it reflects on the basic and/or comparative qualifications of Bangor Broadcasting Corp. to be a Commission licensee.

(b) To determine whether the dual ownership interests of Melvin L. Stone, as owner of both Bangor Broadcasting Corp. and the Lobster Network, provide a potential for the impairment of open, arms length competition between broadcast stations serving substantially the same area, and contrary to the principals underlying the Commission's cross-interest policy and, if so, the effect thereof on the applicant's basic and/or comparative qualifications to be a Commission licensee.

(c) To determine whether a grant of the Bangor Broadcasting Corp. application would be inconsistent with the public interest because, as a consequence, Melvin L. Stone would have an undue concentration of control of the media of mass communications in the State of Maine.

(d) To determine whether Bangor Broadcasting Corp. has failed fully to disclose material facts concerning the business interests of Melvin L. Stone.

17. *It is further ordered,* That, on the Board's own motion, the issues in this proceeding are enlarged to include the following:

(e) To determine whether Bangor Broadcasting Corp. has complied with provisions of section 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in the matter specifically referred to in this Memorandum Opinion and Order, and, if not, to determine the effect of such noncompliance on the basic and/or comparative qualifications of Bangor Broadcasting Corp.

18. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under issues (a), (b), and (c) added herein shall be on Bangor Broadcasting Corp.; that the burden of proceeding with the introduction of evidence under issue (d) added herein shall be upon Penobscot Broadcasting Corp.; that the burden of proceeding under issue (e) added herein shall be upon the Chief, Broadcast Bureau; and that the burden of proof under issues (d) and (e) added herein shall be upon Bangor Broadcasting Corp.

Adopted: January 26, 1972.

Released: January 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1610 Filed 2-2-72;8:49 am]

[Docket Nos. 19303, 19304; FCC 72R-27]

COMMUNITY BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Community Broadcasters, Inc., Easton, Md., Docket No. 19303, File No. BPH-7403; Richard S. Cobb and Mary Cobb doing business as Easton Broadcasting Co., Easton, Md., Docket No. 19304, File No. BPH-7493; for construction permits.

1. The above-captioned mutually exclusive applications for a new FM station at Easton, Md., were designated for hearing on a standard comparative issue by Commission Order, FCC 71-864, published August 28, 1971, 36 F.R. 17376. By a petition to enlarge issues, filed September 13, 1971, Easton Broadcasting Co. (Easton) seeks the addition of a comparative programing issue, as well as the following issues concerning Community Broadcasting, Inc. (Community): financial qualifications, availability of site, efforts to ascertain community needs, and maintenance of a file for public inspection.[1]

Financial qualifications issue. 2. Easton bases its request for a financial qualifications issue on two major contentions: first, the bank loan upon which Community relies may not now be available to Community; and, second, Community has, because of faulty estimates and omission of necessary expenses, substantially underestimated its financial requirements. With respect to the bank loan, Easton notes that in the letter of commitment from Woodlawn National Bank, the bank agrees to lend Community $50,000 if the following conditions are met:

1. There be awarded to W. Ronald Smith and Margaret D. Smith trading as Community Broadcasters or a corporation in which they individually or collectively will own a majority of the voting stock by the appropriate Federal regulatory authorities a certificate to construct and operate the above-mentioned facility.

2. You agree that you will not sell, assign, encumber or in any way dispose of any shares of the Adler Communications Corp. stock without our approval so long as this commitment is outstanding or any portion of the funds.

3. The financial condition of W. Ronald Smith and Margaret D. Smith will be substantially the same as at the date of this letter, and will be subject to a review satisfactory to the bank at the time of the first advance.

4. A pro forma statement will be furnished evidencing feasibility of proposed operation.

Easton points out that there is no evidence in the record that Community has submitted a pro forma statement evidencing the feasibility of its proposed operations, as required by condition 4. Furthermore, Easton alleges that Ronald and Margaret Smith, the owners of Community, have placed their shares of stock in Adler Communications Corp. in a trust for the benefit of their children, contrary to the provisions of condition 2. Petitioner also suggests that the Smiths' "financial liquidity" may not be substantially the same as it was December 31, 1970, as required by condition 3, in view of the trust created by them for their children and certain changes in Adler Communications Corp., including Adler's offer to sell its radio Stations WHAG and WHAG-FM.[2] Easton relies primarily on affidavits of Mary Cobb, a partner in Easton, and George W. Dietrich to support its contention that Community has underestimated its construction and first-year operating costs by a minimum of $15,000. Mrs. Cobb states that she and her son, Richard Cobb, as partners own Easton Broadcasting Co.; that Easton has been the licensee of Station WEMD, Easton, Md., since 1960; that she has had primary partnership responsibility for all aspects of the station's management, including supervision of the construction of the station and its day-to-day operation; that she was general manager of Station WBCL, Williamsburg, Va.; that she has had a partnership interest in Tenth District Broadcasting Co., an applicant for a new AM station at Potomac, Md.; and that prior to the above experience she was employed by Columbia Broadcasting System.

3. Mrs. Cobb alleges that Community's estimated legal expenses of $362 is at least $2,000 less than a realistic figure. She states that Easton has already expended $1,000 and, based on past experience, she is certain that a minimum legal expense of $2,500 will be required if Community pursues its application through the instant hearing. Moreover, Mrs. Cobb notes that Community has made no provision for freight on equipment, a transmitter house, a road from the public road to the antenna site, and possibly an easement from the public road to the transmitter site. Based on her experience and on estimates obtained from local contractors, Mrs. Cobb contends that these omitted items will cost a minimum of $1,500. Thus, Mrs. Cobb concludes, Community's preoperational costs are underestimated by at least $3,600.

4. With respect to operating costs, Mrs. Cobb contends that Community has underestimated its first-year salary requirement by a minimum of $10,000. She argues that based on her experience at WEMD a minimum of $100 per week will be necessary for each of Community's four proposed full-time employees and that another $3,000 per year will be necessary for the proposed part-time employees; thus, a more realistic salary projection is $23,800 per year rather than the $13,700 projected by Community.

---

[1] Responsive pleadings before the Board are: (a) Comments, filed by the Broadcast Bureau on Oct. 7, 1971; (b) letter and attachments, filed on Oct. 8, 1971, by Community; (c) opposition, filed on Oct. 8, 1971, by Community; and (d) reply, filed by Easton on Oct. 22, 1971. The Board also has before it a petition to accept late-filed opposition, filed Oct. 8, 1971, by Community. Since good cause has been shown for the late filing, the petition will be granted and the opposition considered by the Board.

[2] Easton relies on the affidavit of counsel who states that he ascertained by telephone that Blackburn & Co. was in fact holding out Stations WHAG and WHAG-FM, Halfway, Md., for sale.

Mrs. Cobb also contends that, based on operating experience at WEMD, Community has greatly underestimated its costs for news service, records and transcriptions, utilities, telephone, postage and office supplies, and insurance. Furthermore, Easton contends, Community has completely failed to list such items as dues and subscriptions, travel and entertainment, automobile expenses, and royalty payments. Easton also contends, relying on the affidavit of Marianna Woodson Cobb, its consulting engineer, that Community's proposed antenna tower cannot be erected on the 1-acre site it has proposed. In order to properly guy such a tower, the engineer asserts, additional land is necessary or, as an alternative, much more expensive construction techniques are required. Thus, petitioner contends that altogether Community has underestimated its construction and first-year operating costs by a minimum of $36,000. Furthermore, it argues that since Community's proposal relies on $51,500 to meet anticipated cash requirements of $50,032.60, even assuming the bank loan is forthcoming, Community will inevitably be at least $35,000 short of the total expenditures which Easton reasonably believes will be necessary for Community to construct and operate its proposed station for the first year.

5. The Broadcast Bureau, in its comments, takes the position that, in the absence of further clarification by Community, the financial issue should be added. Community opposes the petition both procedurally and on the merits. It contends that it has already been found by the Commission to be financially qualified on two occasions: first, when its application was granted by staff action on April 26, 1971;[3] and, second, when the consolidated proceeding was set for hearing. Community also contends that Easton had ample time to raise any questions it might have had concerning Community's application by way of a petition to deny before the matter was set for hearing. Community additionally insists that the petition should be denied because of a lack of supporting affidavits.

6. On the merits, Community submits a new commitment letter from the Woodlawn National Bank of Alexandria, Va., which states that the bank will lend Community $60,000 on the same terms and conditions as set forth in its letter of December 31, 1970. The letter also states that Community has informed the bank of the Smiths' trust for their children, that the trustees have agreed to pledge the Adler stock as security for the bank's loan to Community, and that this arrangement is acceptable to the bank. Community also submits a statement by the trustees that the stock will be pledged to secure the Community loan. Further, Community submits an affidavit signed by W. Ronald Smith and Margaret D. Smith to the effect that on October 24, 1971, the trust will be terminated. Community advised the Board that the foregoing material, together with other pertinent information, had been incorporated in an amendment which was filed with the Examiner.[4] Thus, Community argues, it is clear that a bank loan of $60,000 will be available to it to construct and operate its proposed station. With respect to the validity of its estimates, Community notes that two of its full-time employees will be Mr. & Mrs. Smith, and that they will together draw only $5,200 per year[5] leaving the remaining $9,500 to pay two additional full-time and two part-time employees. Community contends that the station will operate only 102 hours per week and since "staff salaries will be based on hours worked the amount estimated should be quite adequate." With respect to Easton's contentions concerning other expenses, Community notes that its anticipated expense for news service is overstated by $160 as witnessed by an attached letter from UPI, and contends that its other estimates are valid. With respect to items omitted which Easton believes should be included, Community contends that these items of expense are not necessary to its operation. Particularly, it notes that any royalty payments are based on a percentage of gross revenue and, since its projections are based on an assumption of no revenue, it is not necessary to anticipate royalties. As to the construction cost, Community contends that the transmitter shack "will be a very simple building" which Mr. Smith plans to construct himself or at least help in the construction, and that the studio will be located in a residential building which the Smiths will also use as their home.

7. The procedural arguments raised by Community are applicable to the Board's consideration of all of the requested issues. We will therefore treat those matters before we consider the allegations and arguments on the requested financial issue. Community's contention that the petition to enlarge should not be considered since Easton could have raised its questions before designation has no merit. Easton's petition to enlarge is timely filed and must be considered on its merits.[6] Nor is Community's contention that it has twice been found legally, financially and technically qualified to be the licensee of a new FM station decisive of the matter. Easton has raised a number of questions as to which the designation order "contains no reasoned analysis with respect to the merits * * *." Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717, 721, 8 RR 2d 991, 996 (1966). Accordingly, the Board must consider the merits of the questions raised.

8. In opposition to Easton's requested issue concerning the availability of Community's bank loan, Community relies on a new bank letter and certain affidavits of the Smiths with respect to the trust agreement (see paragraph 5) which were tendered as an amendment to its application. The Board will take into account the new bank letter and the affidavit of the Smiths to the extent that they meet the technical problems raised by the petition to enlarge, but we cannot rely on the tendered amendment, which was rejected by the Examiner, to increase the bank commitment from $50,000 to $60,000. See Edward Atsinger III, et al., 30 FCC 2d 493, 499, 22 RR 2d 236, 244 (1971). In our view, this letter, considered together with the supporting affidavits, adequately establishes reasonable assurance that the loan will be available.[7] Thus, we conclude that Community can rely upon a loan of $50,000 from Woodlawn National Bank of Alexandria, Va.

9. However, Mrs. Cobb's allegations concerning Community's proposed construction and first-year operating costs raise serious questions which have not been satisfactorily answered in Community's opposition. Mrs. Cobb's extensive experience in operating Station WEMD provides a sound basis for many of her estimates and for others she has relied on local experts. Community's estimated legal expenses are clearly insufficient for a comparative hearing. Easton also challenges Community's ability to erect its proposed tower on 1 acre for the cost it estimates and Community has made no provision for the cost of its proposed transmitter shack. These questions, considered together with a number of alleged operating cost omissions and alleged underestimated costs, warrant the inclusion of an issue concerning proposed construction and operating costs. Community makes no comments concerning its legal fees and tower construction costs nor does it give us a figure for the cost of its transmitter shack and its generalized comments concerning the validity of its estimated first-year operational expenses do not provide adequate answers to the questions presented by Easton's petition. The Board will therefore add an appropriate financial qualifications issue.

Availability of antenna site. 10. Easton alleges that Community relied upon a 6-month option to establish the availability of its proposed site. Easton contends that

[3] Easton's application was filed Apr. 15, 1971. The staff apparently granted Community's application without knowledge that Easton's application had been filed. The grant was then set aside by order of the Chief of Broadcast Bureau on Apr. 28, 1971.

[4] Community's petition to amend, filed Oct. 8, 1971, was denied by the Hearing Examiner's order, released Oct. 27, 1971, FCC 71M-1702, and a petition for reconsideration was denied by the Hearing Examiner's order, FCC 71M-1888, released Dec. 6, 1971.

[5] Community also notes that the supervisory salaries of Mr. & Mrs. Smith will be "paid only if funds are available."

[6] Section 1.229 (a) and (b) reads, in pertinent part, as follows:

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER * * *.

[7] The material submitted answers the questions raised concerning the trust agreement; we have no reason to believe that the Smiths' financial condition has substantially changed; and, since the bank is satisfied with the feasibility study, we see no reason why it should be submitted to the Commission.

the option by its terms has now expired and had not as of the date of the petition been renewed. In opposition, Community relies on a letter dated September 28, 1971, from Talbot Real Estate in which it is stated that up to 1 acre of land is available to Community for the construction of a guyed antenna tower. In its reply, Easton concedes that sufficient suitable land is probably available to Community for its antenna site. In view of these circumstances, the site availability issue is not warranted.[a]

Ascertainment of community needs. 11. Easton states that the survey to ascertain community needs conducted by Community is deficient in that it was limited to recognized community leaders and did not seek to learn the views of the general public. Moreover, petitioner contends, not one of those leaders interviewed was black, although over 25 percent of the population which the proposed station will serve is black. In opposition, Community argues that its survey has already been approved by the Commission but, by way of caution, it also relies on a subsequent conference with members of the congregation of the Bethel A.M.E. Church and a survey of seven leaders of the Negro community in Easton, Md.

12. The Board will add an issue to determine whether Community's efforts to ascertain community problems comply with the procedure outlined in the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants. Community's argument that the Commission has already approved its survey is no more valid than the same argument with respect to its financial qualifications, see paragraph 6, supra. It does not appear that Community has undertaken to ascertain the views of the general public in Easton and the surrounding area. Nor did the material originally submitted with its application contain any reference to interviews with any members of the black community in Easton. We cannot consider the survey material submitted with Community's opposition since that material was part of the amendment which the Hearing Examiner rejected. Moreover, the amendment material does not correct the apparent deficiency regarding contacts with the general public. Thus, an appropriate issue must be added to this proceeding.

Completeness of public inspection file. 13. Easton, replying on the affidavit of Mary Cobb, alleges that Community's public inspection file, maintained in the Town Office Building in Easton, Md., was incomplete. Mrs. Cobb notes that several amendments to the application and some pertinent correspondence were not included in the file. Community, in opposition, concedes that the file was in fact incomplete, but contends that the documents which were not included are of no significance and that, in any event, the public was not deprived of information since Mrs. Cobb is the only person who has inspected the file. The Review Board is of the view that failure to maintain the public inspection files as required by Commission rule raises questions as to the qualifications of an applicant. The significance of this infraction can best be evaluated in the context of a public hearing. Accordingly, we will include an issue to ascertain the circumstances surrounding the infraction of the rule and its effect on the comparative qualifications of the applicant.

Comparative programing. 14. In support of its request for a comparative programing issue, Easton states that it proposes substantially more nonentertainment programing than does Community (25.4 percent as opposed to 8.6 percent), and that it proposes to program 15 more hours each week than will Community. It also notes that, of the 20 hours and 8 minutes of news it proposes, one-third will be local and regional news. Petitioner contends that, since local news is one of the pressing needs of the area, its proposal, when compared with Community's lesser effort, justifies a comparative programing issue. In opposition, Community notes that Easton's proposed programing is a 100 percent duplication of its AM station programing. Moreover, Community contends, Easton has provided no facts which would warrant a comparative programing issue.

15. It is well established that to justify a comparative programing issue, a proponent must show substantial proposed programing differences going beyond ordinary differences of programing judgment, showing a superior devotion to public needs which were ascertained by the applicant's study of those needs. Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967); Lester H. Allen, 17 FCC 2d 439, 16 RR 2d 19 (1969). Easton has not made such a showing in the instant case. Easton contends that its greater emphasis on local news warrants a comparative efforts issue. However, it has failed to establish that this emphasis on local news is related to its study of the needs of Easton. Only one reference to local news is found in Easton's survey and Easton's mere assertion that the need for local news is one of the pressing needs of the area does not meet the test set forth in the Chapman case. Thus, Easton's request for a comparative programing issue will be denied.

16. *Accordingly, it is ordered,* That the petition to accept late filing, filed October 8, 1971, by Community Broadcasters, Inc., is granted; and that the petition to enlarge issues, filed September 13, 1971, is granted to the extent indicated herein, and is denied in all other respects; and

17. *It is further ordered,* That the issues in the instant proceeding are enlarged as follows:

(1) To determine whether the estimated construction and first-year operating costs of Community Broadcasters, Inc., are reasonable, and if not, whether sufficient additional funds are available to Community Broadcasters, Inc., and whether, in light of the facts so found, Community Broadcasters, Inc., is financially qualified to construct and operate its proposed station for 1 year without operating revenue.

(2) To determine the efforts made by Community Broadcasters, Inc., to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

(3) To determine whether Community Broadcasters, Inc., has made available for public inspection a complete copy of the application as required by § 1.526(a)(1) of the Commission's rules; and, if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

18. *It is further ordered,* That the burden of proceeding with the evidence and the burden of proof with respect to each of the foregoing issues shall be on Community Broadcasters, Inc.

Adopted: January 26, 1972.

Released: January 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1611 Filed 2-2-72;8:49 am]

[a] Petitioner's allegation that the proposed antenna cannot be built on the specified site, absent considerable added expense, may be explored under the financial issue being added herein.

ALAN F. NECKRITZ AND LAWRENCE B. ORDOWER

Order Extending Time

In regard complaint by Alan F. Neckritz and Lawrence B. Ordower, Berkeley, Calif., concerning Fairness Doctrine regarding Stations KGO-TV, KRON-TV, KPIX-TV, KNBC, and KNXT.

1. The Chief, Broadcast Bureau, has before him a motion of National Broadcasting Co. (NBC), filed on January 14, 1972, to extend the time for filing responses to the Commission's letter of January 5, 1972 for 60 days and an opposition thereto by Messrs. Neckritz and Ordower filed on January 24, 1972. Responses were originally due on January 19, 1972, and one extension to January 26, 1972, has already been granted for all parties.

2. As grounds for this lengthy extension, NBC pleads that "a search and analysis of programing and advertising materials" must be performed at its Los Angeles KNBC station and in New York. However, NBC's main point appears to be that "the time consuming process of communicating with and coordinating these matters [from New York] with NBC personnel located in Los Angeles requires a period greatly in excess of that allotted by the Commission."

3. In opposition, complainants assert that the questions asked in the Commission's letter of inquiry regard areas which came to the attention of all of the interested parties some months ago. Therefore, complainants assert that the parties

have had more than enough time to formulate positions with respect to the questions asked by the Commission and no further extension of time should be granted.

4. First, it is noted that the points raised by NBC relate solely to the Commission's request for the dates and times of carriage of the advertisements complained of and for any material broadcast which advised the public of the controversy concerning the "Chevron F–310" advertisements. NBC pleads no unusual circumstances to justify delaying the responses due to the three questions asked in the Commission's letter of inquiry. Those questions were raised in this proceeding well before the Commission's letter was sent, as noted in complainant's opposition, and an additional 7 days has already been granted to formulate responses. Consequently, all parties should submit their responses to the three basic questions asked in the letter of inquiry by January 26, 1972.

5. With respect to information regarding dates and times of carriage of the Chevron F–310 advertisements and material broadcast advising of the controversy therein, NBC's assertion of administrative difficulties does not justify the lengthy extension of time it has requested to supply data sought by the Commission. In this regard it is noted that the search and analysis in Los Angeles was admitted by NBC to be "already in progress" on January 14, 1972. By exercise of due diligence that search and the "companion search" in New York should be near to completion if not already accomplished. Quick and efficient administrative procedures can be employed to collate this information in a period shorter than that requested by NBC which admits that it will supply "a 'sampling' rather than a total analysis" of its programing. Since the other licensee respondents may be in a similar position to NBC, a short extension of time will be granted to all responding licensees but only with respect to the basic information sought by the Commission as already noted.

6. *Accordingly, it is ordered,* That, pursuant to section 5(d) of the Act, and § 0.281(v) of the Commission's rules, the date for submitting information as to the dates and times of carriage of the Chevron F–310 advertisements and material broadcast advising of the related controversy as requested in the Commission's inquiry (letter dated January 5, 1972) is extended for 14 days to February 9, 1972; in all other respects, NBC's motion for extension of time is denied.

Adopted: January 24, 1972.

Released: January 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72–1609 Filed 2–2–72;8:49 am]

GENERAL SERVICES ADMINISTRATION

FLOOR FINISHES, WAXES, AND POLISH REMOVERS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following interim Federal specifications:

P–F–00430A—Floor Finish, Water Emulsion (For Use on Light Colored Floors).
P–W–00155B—Wax, Floor, Water Emulsion, Slip Resistant.
P–R–001760—Remover, Floor Polish (Resin-Type and Wax).

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications to the end that (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on February 15, 1972, at 9:30 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, Va. Anyone who wants to attend or desires further information should contact Dr. George E. Cushmac, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone No. (Area Code 703) 557–1489.

Issued in Washington, D.C., on February 1, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72–1676 Filed 2–2–72;8:51 am]

[GSA Bulletin FPMR A–32 General]

USE OF COMMUTED RATE SCHEDULE OR ACTUAL EXPENSE METHOD

To: Heads of Federal Agencies.

1. *Purpose.* This bulletin clarifies guidelines for deciding whether to use the commuted rate system or the actual expense method (Government bill of lading) for the transportation and temporary storage of household goods of civilian employees of the United States and other authorized persons being transferred between or to official duty stations in the conterminous United States.

2. *Expiration date.* This bulletin contains material of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.* a. Section 6.3c(4) of Office of Management and Budget Circular No. A–56 Revised, dated August 17, 1971, states "* * * in case of individual transfers the commuted rate system will be used without consideration being given the actual expense method except the actual expense method may be used if the actual costs to be incurred by the Government for packing and other accessorial services are predetermined (at least as to price per 100 pounds) and if that method is expected to result in real savings to the Government of $100 or more."

b. The margin of $100 as a minimum "savings" was established to cover the administrative costs associated with shipments moving under the actual expense method (GBL).

c. Agencies are construing the revised regulations to preclude use of the actual expense method (GBL). This is not the case.

4. *Recommended action.* a. The general policy is that the commuted rate system will be used for transportation of employees' household goods when individual transfers are involved. However, the regulations provide that the actual expense method (GBL) may be used on individual transfers if actual costs to be incurred are predetermined and a savings of $100 or more is expected to result. A proper comparison of costs must take into account the line-haul, accessorial, and packing charges.

b. Several carriers have offered to move the household goods of employees for a transportation cost plus a flat cost per hundredweight for packing. If carriers do not provide the agency an All-Inclusive fixed cost or fixed rate per 100 pounds for packing and other packing-related accessorial charges, such shipments will have to be handled under the commuted rate even though in the past those shipments may have been handled on GBL.

c. GSA is in the process of determining which carriers quote or will quote cost of packing on a "total basis" for ease of comparison. When developed, this information will be promptly sent to agencies to assist in their evaluation of total costs.

Dated: January 31, 1972.

ROBERT M. O'MAHONEY,
Commissioner, Transportation and Communications Service.

[FR Doc.72–1678 Filed 2–2–72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. G–10786 etc.]

CAR-TEX PRODUCING CO. ET AL.

Findings and Order

JANUARY 18, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing application, permitting and approving

abandonment of service, terminating certificate, terminating proceedings, making successors co-respondent, redesignating proceedings, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Union Texas Petroleum, a division of Allied Chemical Corp. et al., applicant in Docket No. CI71–798, proposes to continue its sale of natural gas formerly authorized in Docket No. G–4318 to be made pursuant to R. C. Harris FPC Gas Rate Schedule No. 1, which has been canceled because R. C. Harris has been issued a small producer certificate of public convenience and necessity in Docket No. CS71–325. The rate under said rate schedule was in effect subject to refund in Docket No. RI71–694. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on January 13, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate application pending in Docket No. CI69–564 is moot.

(10) Applicant in Docket No. CI71–692 has collected no money subject to refund in Docket No. RI71–485.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Union Texas Petroleum, a division of Allied Chemical Corp. et al., should be made a co-respondent in the proceeding pending in Docket No. RI71–694, and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(13) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–7637, G–11832, G–11863, CI61–459, CI62–569, CI64–1173, CI65–1008, and CI67–824 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. G–10786 is amended by substituting the successor in interest as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shal remain in full force and effect.

(F) The order issuing a certificate of public convenience and necessity in Docket No. G–7637 is amended by deleting therefrom authorization to sell natural gas assigned to applicant in Docket No. CI71–860.

(G) The certificate of public convenience and necessity and certificate authorization granted in Docket No. CI71–847 is subject to the Commission's

findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(H) Within 90 days from the date of this order, applicant in Docket No. CI71–847 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(I) Union Texas Petroleum, a division of Allied Chemical Corp. et al., is made a correspondent in the proceeding pending in Docket No. RI71–694 and said proceeding be redesignated accordingly. Union Texas shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(J) Applicant in Docket No. G–11863 is not relieved of any refund obligations in Dockets Nos. RI69–347 and RI71–644 as a result of the deletion of acreage authorized herein.

(K) Applicant in Docket No. CI71–781 is not relieved of any refund obligations in Dockets Nos. RI65–475 and RI68–693 as a result of the abandonment permitted and approved in Docket No. CI71–781.

(L) The proceeding in Docket No. RI71–485 is terminated. Applicant in Docket No. CI71–692 is not relieved of any refund obligations in Dockets Nos. RI70–755 and RI70–1112 as a result of the abandonment permitted and approved in Docket No. CI71–692.

(M) Applicant in Docket No. CI71–798 shall charge and collect the rate of 19 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI71–694 for gas discovered prior to September 28, 1960; 21 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI71–694, for gas discovered between September 28, 1960, and June 17, 1970; and 11.0399 cents per Mcf at 14.65 p.s.i.a. until August 20, 1971, when a rate of 25 cents per Mcf at 14.65 p.s.i.a. will be effective subject to refund in Docket No. RI71–694 for gas produced from the reservoirs discovered after June 17, 1970.

(N) The certificates granted in Dockets Nos. CI71–798 and CI71–860 are subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64–2 et al. Applicants in said docket shall file three copies of a rate schedule-quality statement as specified by Opinion No. 595.

(O) The agreement dated January 1, 1971, and designated as Supplement No. 10 to Union Texas Petroleum, a division of Allied Chemical Corp. et al., FPC Gas Rate Schedule No. 104 is accepted for filing on the condition that the provisions of said agreement relating to the area rate shall be interpreted as being consistent with the provisions of § 154.93 (b–1) of the regulations under the Natural Gas Act and that said provisions shall apply only upon Commission approval of a just and reasonable rate or a settlement rate in an applicable area rate proceeding for gas of comparable quality and vintage. The agreement is accepted only insofar as it pertains to the reserves specified therein and the related proposed increases are limited to gas produced from such reserves. This acceptance of subject agreement does not constitute any authorization to abandon any acreage covered by the original contract which is not covered by such agreement.

(P) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulations, are granted.

(Q) The certificate application pending in Docket No. CI69–564 is dismissed, the temporary certificate issued in said docket is terminated, and the related FPC gas rate schedule is canceled.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1]		
			Description and date of document	No.	Supp.
G–10786 [2] E 6–3–71	Car-Tex Producing Co., agent (Operator) et al.	Arkansas Louisiana Gas Co., Blocker Field, Harrison County, Tex.	Maxwell Herring, Drilling Corp. agent (Operator) et al. FPC Gas Rate Schedule No. 1 and Supplement Nos. 1–6 thereto.	6	1–6
			Notice of succession 5–31–71.		
			Assignment [3] 1–8–71 (Effective date: 3–31–72)	6	7
G–11832 [4] D 5–20–71	Amoco Production Co.	Northern Natural Gas Co., Shupley (Morrow) Field, Hansford County, Tex.	Notice of partial cancellation [5] 5–19–71. (Effective date: date of this order.)	192	21
G–11863 [4] D 1–14–71	Mobile Oil Corp. (Operator) et al.	Lone Star Gas Co., Graham Area, Carter County, Okla.	Notice of partial cancelation [5] 4–13–71. (Effective date: date of this order.)	9	13
CI61–159 [4] D 4–5–71	Texaco, Inc.	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	Agreement [6] 1–4–71 (Effective date: date of this order.)	226	5
CI62–561 [4] D 5–4–71.	do	Oklahoma Natural Gas Gathering Corp. and Pioneer Gas Products Co., Ringwood Field, Major County, Okla.	Agreement [6] 3–1–71 (Effective date: date of this order.)	253	8
CI64–1173 [4] D 4–16–71	Petro Dynamics, Inc. (Operator) et al.	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Agreement [6] 3–1–71 (Effective date: date of this order).	21	13
CI65–1008 [4] B 1–26–70 D	Shell Oil Co.	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	Assignment [7]	317	7
			Amendment [8] (Effective date: date of this order).	317	8
CI67–820 [9] D 6–10–71	Cities Service Oil Co.	Consolidated Gas Supply Corp., acreage in Jefferson County, Pa.	Assignment [9] 11–1–70 (Effective date: 11–1–70)	294	1
CI69–564 [10] B 6–1–71	Texaco, Inc.	Tennessee Gas Pipeline Co., Fisherman's Bay Field, Lafourche Parish, La.	Notice of cancellation [5] 5–26–71. (Effective date: date of this order).	425	2
CI71–692 [11] B 3–22–71	Sun Oil Co.	Natural Gas Pipeline Co. of America, Ernest F. McGaughey Unit, Wise County, Tex.	Notice of cancellation [5] 3–16–71. (Effective date: date of this order).	470	5
CI71–695 [12] B 3–26–71	Gulf Oil Corp.	Phillips Petroleum Co., Texas Hugoton Field, Hansford County, Tex.	Notice of cancellation [5] 3–24–71. (Effective date: date of this order).	303	2
CI71–776 A 4–19–71	Jerome P. McHugh	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	Contract [13 14] 3–18–71	11	
			Letter agreement [14 15] 3–18–71. (Effective date: date of initial delivery).	11	1
CI71–781 [16] B 4–27–71	Shell Oil Co.	Lone Star Gas Co., Manziel Field, Wood County, Tex.	Notice of cancellation [5] 4–23–71. (Effective date: date of this order).	258	6
CI71–782 [17] B 4–26–71	Robert Cargill (Operator) et al.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	Notice of cancellation [5] undated. (Effective date: date of this order).	5	3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1]		
			Description and date of document	No.	Supp.
CI71-798 [18], O 4-28-71 [14]	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	Contract [19] 11-6-49	104	
			Letter agreement 11-18-49	104	1
			Letter agreement 4-11-51	104	2
			Letter agreement 4-16-51	104	3
			Letter agreement 6-28-51	104	4
			Letter agreement 1-20-53	104	5
			Agreement 4-22-59	104	6
			Agreement 11-1-62	104	7
			Letter agreement 1-31-63	104	8
			Agreement 4-30-66	104	9
			Agreement 1-1-71	104	10
			(Effective date: 5-2-71)		
CI71-836 [20], B 5-21-71	Jake L. Hamon	Panhandle Eastern Pipe Line Co., Tangler Area, Woodward County, Okla.	Notice of cancellation [5] 5-17-71.	49	
			(Effective date: date of this order).		
CI71-838, A 5-21-71	Ashland Oil, Inc	Texas Gas Transmission Corp., West Midland Field, Hopkins and Muhlenberg Counties, Ky.	Contract	205	
			(Effective date: date of initial delivery).		
CI71-847 [21], 5-24-71 [22]	Cities Service Oil Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Evans No. 1 Unit, Beaver County, Okla.	Contract 1-30-57	343	
			(No specific effective date).		
CI71-860 [23], F 6-1-71	Texas Oil & Gas Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Louise Field, Wharton County, Tex.	Contract 10-1-51	82	
			Agreement 2-7-58	82	1
			Letter agreement 6-5-58	82	2
			Assignment [25] 2-28-69	82	3
			Amendment 2-9-71	82	4
			(Effective date: 3-1-69)		
			Assignment [24] 5-5-71	82	5
			Assignment [25] 5-12-71	82	6

[1] Where no effective date is shown the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue the sales authorized in Docket No. G-10786 to be made pursuant to Maxwell Herring Drilling Corp. (Operator) et al., FPC Gas Rate Schedule No. 1.
[3] From Maxwell Herring Drilling Corp. to James M. Noonan, owner of Car-Tex Producing Co.
[4] Application to amend to delete acreage.
[5] Includes buyers concurrence.
[6] Between applicant and buyer deleting expired and released leases from the contract.
[7] Assigns unproductive acreage to Jess Harris, Jr. Harris in turn assigned same to International Nuclear Corp. who does not intend to file.
[8] No deletion filing made or necessary. 18 CFR 2.64.
[9] Conveys interest to J & J Enterprises, Inc., which was granted small producer authorization pursuant to Order No. 411.
[10] Application for permission to abandon the sale authorized under temporary certificate issued in Docket No. CI69-564.
[11] Application for permission to abandon the sale authorized in Docket No. CI69-597.
[12] Application for permission to abandon the sale authorized in Docket No. CI66-379.
[13] For gas produced from wells down to and through the Pictured Cliffs Formation.
[14] Heretofore accepted for filing.
[15] Changes delivery pressure from 250 p.s.i.g. to 500 p.s.i.g. and increases contract price from 13 cents to 14 cents per Mcf.
[16] Application for permission to abandon the sale authorized in Docket No. CI62-353.
[17] Application for permission to abandon the sale authorized in Docket No. G-13027.
[18] Applicant is filing on behalf of itself and Texas Pacific Oil Co., Inc., to cover their interests formerly covered by R. C. Harris (Operator) et al., who has small producer authorization in Docket No. CS71-325.
[19] Between Transco and Anderson Prichard Oil Corp. et al.
[20] Application for permission to abandon the sale authorized in Docket No. CI67-64.
[21] Applicant is filing to cover its interest formerly covered by Keating-Parker Drilling Co. (Operator) et al.
[22] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-7637, made pursuant to Mobil Oil Co. FPC Gas Rate Schedule No. 275.
[23] From Charles H. Osmond, Ltd., to Texas Oil & Gas Corp.
[24] Assigns acreage from Mobil Oil Corp. to Toyah Corp. to a depth of 5,500 feet.
[25] Assigns acreage from Toyah Corp. to Texas Oil & Gas Corp. to a depth of 5,500 feet.

[FR Doc.72-1465 Filed 2-2-72;8:45 am]

[Docket No. CI72-464]

RUSSELL SCOTT, JR., ET AL.

Notice of Application

FEBRUARY 1, 1972.

Take notice that on January 27, 1972, Russell Scott, Jr., et al. (applicants), 500 Jefferson Building, Houston, TX 77002, filed in Docket No. CI72-464 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the West Deer Island Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas to United on December 22, 1971, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that they propose to continue said sale commencing at the end of the 60-day emergency period until July 1, 1972, at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations. The estimated monthly sales volume is 360,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1972, 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). 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.72-1652 Filed 2-2-72;8:51 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of Bank

Chemical New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Eastern National Bank of Long Island, Smithtown, N.Y. (Bank).

The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the fourth largest banking organization in New York, controls two banks with total domestic deposits of $7.64 billion, representing 8.7 percent of the State's total commercial deposits. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions to date.) Upon acquisition of Bank ($52.2 million deposits), applicant would not increase its share of deposits in the State, nor its present ranking.

Bank operates its main office and three branches in the Smithtown banking market, and two branches in the Huntington banking market. It is the second largest banking organization in the Smithtown market, with 15.3 percent of the deposits in that market, and the fourth largest banking organization in the Huntington market, controlling 2 percent of market deposits.[1] Applicant's subsidiary office closest to Bank is located 5.5 miles west of Bank's Huntington branch in Nassau County, a separate banking market, into which applicant's bank is presently prohibited from branching. Although applicant's subsidiary branch derives some banking business from Bank's service area, existing competition is nominal and there are two banking offices in the intervening area. Consummation of the proposal would thus eliminate only a small amount of existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since applicant could enter Bank's markets de novo or through acquisition of a smaller bank. The effect of the elimination of this competition would appear to be minimal, however, in light of the large number of potential entrants to the market. Additionally, within Bank's market area there are 75 offices of 14 banks. Within the county there were, at year end 1970, 23 banks with 186 offices. Forty-seven percent of these offices represented only three commercial banks. Applicant's acquisition of Bank, and Bank's expected expansion through de novo branching would provide additional competition for these three dominant banks and have a procompetitive effect in the market.

Applicant is paying a relatively small premium for Bank based upon market values of applicant's and Bank's stock. Based upon book value the premium is substantial. However, applicant does not appear to be paying for the purchase of monopoly power. While it is true that applicant could enter de novo, if it were to do so it would be prohibited by New York State law from opening a new branch in the year of charter and then limited to two branches a year until 1976. Such restrictions would limit applicant's competitive effectiveness in the market and the "premium" appears to reflect the worth to applicant of establishing such competitive effectiveness at an earlier date. The establishment of branches by Bank as contemplated by applicant would, as pointed out above, be procompetitive.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. Applicant proposes to offer, through Bank, trust and investment advisory services and lower rates on installment loans, thereby providing another competitive alternative for expanded banking services. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction 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 New York pursuant to delegated authority.

By order of the Board of Governors,[3] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1583 Filed 2-2-72;8:47 am]

FIRST FLORIDA BANCORP.

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Orlando National Bank—West, Orlando, Fla. (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has 22 subsidiary banks with aggregate deposits of approximately $445 million, representing 3 percent of the commercial bank deposits in Florida. (Banking data are as of June 30, 1971.) Approval of the acquisition of Bank would not presently increase Applicant's deposits since Bank is a proposed new bank. Although one of applicant's subsidiaries, The Orlando Bank and Trust Co. (Orlando Bank), is located 4 miles from the proposed site of Bank, Orlando Bank originates only a small percentage of its deposits and loans within Bank's proposed service area. Moreover, applicant does not have a dominant position in the Orlando area. Accordingly, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are regarded as satisfactory. Considerations relating to the convenience and needs of the community lend weight in favor of approval since Bank is to be established in one of the fastest growing areas in Florida and will provide an additional source of services to customers in or near the Disney World complex. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction 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, and provided further that (c) The Orlando National Bank—West shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1584 Filed 2-2-72;8:47 am]

INDUSTRIAL NATIONAL CORP.

Order Approving Acquisition of Ambassador Factors Corporation

Industrial National Corp., Providence, R.I. (Applicant), a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 100 percent of the voting shares of Ambassador Factors Corp., New York, N.Y. (Ambassador) into which its affiliates Belvedere Factors Corp. and Ambassador Leasing Corp., will be merged prior to the acquisition. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. The time for filing comments and views has expired and all those received have been considered, including those

[1] Banking data relating to market position are as of June 30, 1970.

[2] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Maisel. Voting against this action: Governors Robertson and Brimmer. Governor Sheehan did not participate in the Board's action on this matter.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sheehan.

presented orally and in writing in connection with a Board hearing on November 12, 1971, pertaining to factoring in general.

The operation by a bank holding company of a commercial finance company and a factoring company are activities that the Board has previously determined to be closely related to the business of banking (12 CFR 225.4(a)(1)). The Board has also determined that data processing services for the internal storing and processing of banking, financial or related economic data for members of the holding company system are closely related to the business of banking (12 CFR 225.4(a)(8)). Such a data processing subsidiary may also perform incidental activities such as selling excess computer time so long as its only involvement is furnishing the facility and the necessary operating personnel (12 CFR 225.123). A bank holding company may engage in the above activities so long as the activities of the institution proposed to be acquired are not conducted in a manner inconsistent with the limitations the Board has established pursuant to section 4(c)(8) of the Act.

It appears that Ambassador engages in factoring and commercial finance; its affiliate Belvedere Factors Corp. engages in commercial finance; and Ambassador Leasing Corp. provides data processing services for Ambassador and sells excess computer time to Ambassador's customers within the limitations of 12 CFR 225.123. Accordingly, the activties of Ambassador and its affiliates are closely related to banking.

Applicant, the parent holding company of Industrial National Bank of Rhode Island, has consolidated assets of $1.074 billion, including Bank's total assets of $1.029 billion. (Banking data are as of June 30, 1971.) Bank is the largest banking organization in Rhode Island, with 51.2 percent of the commercial bank deposits in the State.

Ambassador and its affiliates are located in New York City. In 1970, Ambassador had a factoring volume of approximately $110 million with 79 percent of its customers being headquartered in New York City. Ambassador is the 23d largest of the 26 factors that compete in national markets and its factoring volume was 1 percent of the total commercial factored volume for those 26 factors. Belvedere Factors Corp. is a small competitor in the commercial finance field, having an annual business volume of $1.2 million. Ambassador Leasing Corp. had an annual business volume from its data processing activities of only $47,000.

Neither Applicant nor any of its subsidiaries engages in factoring, and consummation of the proposal would therefore eliminate no existing competition in the factoring field. It appears unlikely that competition in this area would arise between Applicant and Ambassador. Factoring is characterized by relatively high entry barriers due to the high degree of expertise in the client's industry which is required and de novo entry in the field has been extremely limited.

There is no significant existing competition between Applicant and Ambassador and its affiliates in the commercial finance field. Each derives less than 1 percent of its volume from the service area of the other. Due to geographical separation and the large number of competitors in the field, significant competition is unlikely to develop. While Applicant presently has a subsidiary performing data processing services, neither it nor Ambassador Leasing Corp. do any business in the service area of the other and are unlikely to compete in the future. There is no evidence in the record indicating that acquisition of Ambassador by Applicant would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The majority of Ambassador's clients are now headquartered in New York City and acquisition of Ambassador by Applicant will likely result in a wider availability of factoring services in Rhode Island. Additionally, it has become increasingly difficult in recent years for factors to find sufficient financing to expand. Affiliation with Applicant would assure Ambassador of a source of such funds.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable, and lends weight toward approval. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1585 Filed 2-2-72;8:47 am]

OFFICE OF ECONOMIC OPPORTUNITY

[B2C5322]

MARSHALL KAPLAN, GANS, AND KALIN

Notice of Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the award of Contract B2C5322 to Marshall Kaplan, Gans, and Kalin, 426 Pacific Avenue, San Francisco, CA 94133, for a research project entitled "Study of Selected Prisoner Education Programs." The purpose of the study is to determine the impact of prisoner education programs and their effect upon recidivism. The estimated cost of this contract is $172,052, and the intended completion date is January 2, 1973.

WESLEY L. HJORNEVIK,
Deputy Director,
Office of Economic Opportunity.

JANUARY 26, 1972.

[FR Doc.72-1560 Filed 2-2-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Puerto Rico disaster No. 296 with date of declaration, October 12, 1970, to be effective January 1, 1972.

This notice changes my designation of October 19, 1970 (35 F.R. 16556, October 23, 1970) with respect to the same disaster listed, naming George A. Flowers as Federal Coordinating Officer.

Dated: January 26, 1972.

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

[FR Doc.72-1561 Filed 2-2-72;8:45 am]

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Virgin Islands disaster No. 298 with date of declaration, October 17, 1970, to be effective January 1, 1972.

This notice changes my designation of September 13, 1971 (36 F.R. 18606, September 17, 1971) with respect to the same disaster listed, naming George A. Flowers as Federal Coordinating Officer.

Dated: January 26, 1972.

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

[FR Doc.72-1562 Filed 2-2-72;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Robertson.

SECURITIES AND EXCHANGE COMMISSION

[File No. O-1602]

DEXTRA CORP.

Order Suspending Trading

JANUARY 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Dextra Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2 p.m. January 27, 1972 to 2 p.m. on February 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1597 Filed 2-2-72;8:49 am]

[File No. 24NY-7145]

DSI DESIGNCARD SERVICES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 26, 1972.

I. DSI Designcard Services, Inc. (DSI) is a New York corporation located at 350 Fifth Avenue, New York, NY. On June 19, 1970 it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share.

The offering was to be conducted by S. M. Securities Corp. as underwriter on a best efforts "one-half or none" basis. The notification became effective on October 15, 1970.

According to the offering circular DSI was to engage in the business of interior decorating and interior design.

II. The commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading with respect to the following:

The offering circular fails to state material facts concerning the proposed use of proceeds, in particular that a substantial portion of the net proceeds of the offering would be used to pay the expenses of a prior Registration Statement filed by the issuer, pursuant to the Securities Act of 1933, which was withdrawn.

B. The underwriter has failed to cooperate with and obstructed members of the staff of the Commission in the conduct of an investigation relating to the manner of the distribution of the shares under the above-captioned Regulation A offering (Rule 261(a)(7)).

C. The use of the offering circular by the issuer and underwriter operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter, including the officers, the directors, and any underwriter for the issuer as well as any person to whom the entry of the suspension order may have an adverse effect pursuant to Rule 252 (c), (d), and (e) of Regulation A may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.72-1598 Filed 2-2-72;8:49 am]

[811-1816]

OMNIFUND, INC.

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

JANUARY 27, 1972.

Notice is hereby given that Omnifund, Inc. (Applicant), 60 East 42d Street, New York, NY 10017, registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, 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. All interested persons are referred to the application on file with Commission for a statement of the representations contained in the application, which are summarized below.

Applicant was incorporated in the State of New York on January 30, 1969. On February 27, 1969, Applicant filed Forms N-8A and N-8B-1 with the Commission.

Applicant represents that it has not engaged in any operations, that is has made no investments, and that its proposed public offering has been abandoned because of the existing uncertainties relating to its intended mode of operation as a fund holding company.

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 February 17, 1972 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 a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1567 Filed 2-2-72;8:46 am]

[File No. 24NY-7150]

WALTON-RICHARDSON CO.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 26, 1972.

I. Walton-Richardson Co., is a Delaware corporation located at 11 Commerce Street, Newark, NJ. On June 26, 1970, it filed a notification in the New York regional office pursuant to Regulation A in connection with a proposed offering of 150,000 shares of its $0.01 par value common stock at $2 per share. The offering was to be conducted by Charisma Securities Corp. (Charisma) as underwriter. The offering commenced on September 29, 1970.

The offering circular provided that the shares would be offered on a "50,000 share all-or-none" basis. If the minimum number of shares was not sold within 120 days from the effective date, all funds were to be returned to subscribers.

According to the offering circular the company was to engage in the manufacture, marketing and distribution of perfumes, cosmetics, toiletries, and allied products.

II. The Commission, on the basis of information reported to its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts, with respect to the following:

The offering circular is materially false and misleading in that the issuer and underwriter failed to conduct the offering in accordance with the terms set forth therein. More particularly the minimum number of shares required to be sold within a 120-day designated period was never reached yet funds in the amount of at least $7,650 were never returned to subscribers as conditioned in the offering circular.

B. The use of the offering circular by the issuer and underwriter operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended. More particularly, although the offering circular states that receipts from subscribers were to be deposited in a special account, no account for subscribers' funds was ever opened.

C. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a Form 2-A report, required by Rule 260, which became due on April 29, 1970.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1599 Filed 2-2-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 13), Amdt. 9]

SUPERVISORY LOAN OFFICER, LOS ANGELES DISTRICT OFFICE

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 ((Revision 13), 36 F.R. 5881), as amended (36 F.R. 7652, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, 36 F.R. 15769, 36 F.R. 22876, 36 F.R. 23421, and 36 F.R. 25194) is hereby further amended to delegate to the Supervisory Loan Officer, Los Angeles District Office, certain loan approval authority.

Part I, section A, paragraph 1 is revised to read as follows:

Part I. Financing program—Section A. Loan approval authority—1. Small Business Act Section 7(a) Loans. To approve or decline business loans not exceeding the following amounts (SBA share):

a. Regional Director, $350,000.
b. Chief and Assistant Chief, Regional Financing Division, $350,000.
c. Regional Supervisory Loan Officer, $50,000.
d. District Director, $350,000.
e. Chief, District Financing Division, $350,000.
f. District Supervisory Loan Officer, Los Angeles District Office, $50,000.
g. Branch Manager, Fairbanks, Alaska, Branch Office, $350,000.
h. Branch Manager, Gulfport, Miss., Branch Office, $350,000.
i. Branch Manager, Cincinnati, Ohio, Branch Office, $100,000.
j. Branch Manager, Springfield, Ill., Branch Office, $100,000.
k. Branch Manager, Buffalo, N.Y., Branch Office, $50,000.
l. Branch Manager, Marquette, Mich., Branch Office, $100,000.

Part I, Section A, paragraph 3b, is revised to read as follows:

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Regional Supervisory Loan Officer, $50,000.
(2) District Director, $350,000.
(3) Chief, District Financing Division, $350,000.
(4) District Supervisory Loan Officer, Los Angeles District Office, $50,000.
(5) Branch Manager, Fairbanks, Alaska, Branch Office, $350,000.
(6) Branch Manager, Gulfport, Miss., Branch Office, $350,000.
(7) Branch Manager, Springfield, Ill., Branch Office, $100,000.
(8) Branch Manager, Cincinnati, Ohio, Branch Office, $100,000.
(9) Branch Manager, Buffalo, N.Y., Branch Office, $50,000.
(10) Branch Manager, Marquette, Mich., Branch Office, $100,000.
(11) Branch Manager, Milwaukee, Wisc., Branch Office, $100,000.

Effective date: January 3, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-1564 Filed 2-2-72;8:45 am]

TARIFF COMMISSION

[337-L-44]

COLD-FORMED MOUNTS FOR SEMICONDUCTORS

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on January 19, 1972, dismissed preliminary inquiry 337-L-44 without a determination on its merits.

Issued: January 28, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1595 Filed 2-2-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 31, 1972.

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 117574 Subs 184 and 191, Daily Express, Inc., assigned for hearing March 6, 1972, at New York, N.Y., will be held at the Hotel New Yorker, Eighth Avenue and 34th Street.

MC 125433 Sub 30, F-B Truck Line Co., now being assigned March 13, 1972, in Room 2330, Federal Building, 1961 Stout Street, Denver, CO.

MC 117574 Sub 204, Daily Express, now assigned February 1, 1972, at Columbus, Ohio, canceled and application dismissed.

MC 21060 Sub 8, Arrow Truck Lines, Inc., assigned for continued hearing March 13, 1972, at the Guest House Motor Inn, 951 South Eighth Street, Birmingham, AL.

MC 135141 Sub 1, H & H Expediting Service, Inc., now assigned February 9, 1972, at Washington, D.C., canceled and application dismissed.

MC-F-11305 Terminal Transport Co., Inc.—Purchase (Portion)—Deaton, Inc., assigned February 28, 1972, MC 73165 Sub 301, Eagle Motor Lines, Inc., assigned February 23, 1972, MC 115691 Sub 20, Murphy Transportation, Inc., assigned February 24, 1972, will be held in Room 224, Federal Building, Courthouse, 1800 Fifth Avenue North, Birmingham, AL.

No. 8705 Passenger Fares Between Pennsylvania and New Jersey, Investigation and Suspension, now being assigned March 20, 1972, at the U.S. Customs Courtroom, Third Floor, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, PA.

No. M-25444 General Increase, Eastern Central Territory, Investigation and Suspension, now being assigned March 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 55429 Air-Freight Trucking Service, Inc., MC 66101 Sub 1, Aft Service, Inc., assigned February 10, 1972, at New York, N.Y., postponed indefinitely.

MC 135232 Crown Metal & Salvage Co., assigned January 31, 1972, at Columbus, Ohio, hearing not called and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1624 Filed 2-2-72;8:50 am]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1972.

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.

CORRECTION

MC 107496 Sub 813, Ruan Transport Corp. assigned February 8, 1972, will be held in Courtroom No. 4, Federal Building, 316 Robert Street, St. Paul, MN.

MC 135437 Sub 1, Tri-Northeastern Transport, Inc., now being assigned March 17, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1625 Filed 2-2-72;8:50 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 9]

JANUARY 31, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72392. By supplemental order of January 28, 1972, the Motor Carrier Board approved the transfer to Draper Trucking, Inc., Roanoke, Va., of certificate No. MC-41875 (Sub-No. 10), issued March 10, 1971, to Draper Construction Co., Inc., Roanoke, Va., authorizing the transportation of: Electric Controllers and instruments, requiring special equipment or special handling by reason of size or weight, and parts and attachments therefor, when moving in connection therewith, from points in Roanoke County, Va., to points in the United States except Alaska, Hawaii, Virginia, North Carolina, South Carolina, Georgia, Washington, Oregon, California, Montana, Idaho, Utah, Nevada, and Florida, as further restricted. Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-73382. By order of January 28, 1972, the Motor Carrier Board approved the transfer to East Lansing Moving and Storage, Inc., 823 East Kalamazoo, Lansing, MI 48912, of the operating rights in certificate No. MC-126769 issued February 19, 1970, to Staszuk's Able Van Lines, 825 East Kalamazoo, Lansing, MI 48912, authorizing the transportation of used household goods, between points in Barry, Branch, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Montcalm, St. Joseph, Shiawassee, and Washtenaw Counties, Mich. Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrated, and decontainerization of such traffic.

No. MC-FC-73422. By order of January 27, 1972, the Motor Carrier Board approved the transfer to Fracon Trucking Co., Inc., Franklin Square, Long Island, N.Y., of the operating rights in permit No. MC-133877 issued June 19, 1970, to Conrad L. Habermann and Frank J. Erikson, a partnership, doing business as Fracon Trucking Co., Franklin Square, Long Island, N.Y., authorizing the transportation of such commodities as are dealt in by a wholesale drug company, from the storage facilities of Rogers Wholesalers, Inc., at Jamaica, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J.; and returned shipments of the above-described commodities, from the above-described destination points, to the storage facilities of Rogers Wholesalers, Inc., at Jamaica, N.Y. John L. Alfano, 2 West 45th Street, New York, NY 10036, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1626 Filed 2-2-72;8:51 am]

[Sec. 5a Application No. 65, Amdt. 4]

NATIONAL EQUIPMENT INTERCHANGE—AGREEMENT [1]

Order. At a session of the Interstate Commerce Commission, Review Board No. 4, held at its office in Washington, D.C., on the 25th day of January 1972.

It appearing, that with its report of November 6, 1958, 305 I.C.C. 196, the Commission, Division 2, issued an order approving the agreement filed in the above-entitled proceeding under section 5a of the Interstate Commerce Act, and that revisions to the said agreement were approved by subsequent orders of the Commission dated March 2, 1964, August 31, 1965, and April 18, 1968;

It further appearing, that the approved revised agreement in force and in effect is a single instrument comprising the bylaws of the Equipment Interchange Association in which the membership is limited to signatory common carriers of property by motor, rail, and water subject to the Interstate Commerce Act and regulation of this Commission, and which sets forth the organization and procedures between and among the member carriers for the joint consideration, initiation, or establishment of the rate of compensation payable to the owner for the use of equipment, as defined therein, in carrier interchange service, and the rules, regulations, and practices pertaining thereto; and that, by virtue of the said approval, immunity from the operation of the antitrust laws is conferred upon the member carriers only insofar as said joint activity is conducted pursuant to, and within the scope of, the agreement bylaw provisions as heretofore approved by this

[1] Formerly titled, National Motor Equipment Interchange—Agreement.

Commission under section 5a of the act, and no other;

It further appearing, that the parties to the revised agreement approved herein filed an application on June 9, 1971, under the provisions of section 5a of the act, seeking the approval of further amendments to the said agreement; that public notice of the further amendments proposed in said application was issued and published in the FEDERAL REGISTER, to which no objection was filed; that applicants filed on November 3, 1971, a letter-petition dated November 2, 1971, requesting withdrawal from said application of all proposed agreement provisions broadening the carrier membership of the association to also embrace ocean water carriers subject to the Shipping Act of 1916 and regulation of the Federal Maritime Commission; therefore, any and all agreement provisions proposed in said application pertaining to said ocean water carriers are considered withdrawn and not a part of the said application for the purposes of this proceeding; and that subsequently on January 21, 1972, applicants filed supplemental modifications of a technical nature to certain agreement provisions proposed in said application;

And it further appearing, that the amendments to the agreement as set forth in detail in said application as modified, would change the agreement so as to (1) establish a new, separate associate member class composed of noncarrier corporations engaged in manufacturing and services related to transportation whose membership in the association is believed by the Finance and Membership Committee to offer benefits to the mutual advantage of the corporation and of the association, subject to such terms and arrangements as the association's board of directors may from time to time prescribe, but who are specifically precluded from either becoming signatory parties to the carrier agreement or participating in any matters covered by the agreement; (2) expand the agreement for the account of motor carrier members to also embrace joint consideration of the compensation payable for vehicle detention in the interline of less-than-truckload freight, and rules and regulations pertaining thereto on national, regional, and local levels; (3) eliminate the requirement that a specified number of carrier members of the Regular Common Carrier Conference of the American Trucking Associations, Inc., be elected to serve on the association's board of directors; (4) create a new elective office of third vice president; (5) revise the composition of the executive committee to include the elected officers and the three most recent past presidents in lieu of only the immediate past president, and eliminate the managing director therefrom; (6) modify the independent action provisions to also apply to the freight interlining procedures as proposed in (2) above; (7) revise the agreement form to be executed by member carriers to include provisions for motor carrier joint action in interlining of freight; and (8) make other incidental changes made necessary by the foregoing changes;

We find, that the amendment to establish a new associate member class of noncarriers as proposed is one not within the purview of section 5a of the act, and our consideration and approval will be limited to those matters coming within the purview of section 5a;

We further find, that the other proposed amendments come within the provisions of paragraph (2) of section 5a of the act, that approval of said amendments is not prohibited by paragraph (4), (5), or (6) of section 5a of the act, and that by reason of the furtherance of the national transportation policy, the relief provided in paragraph (9) of section 5a of the act should apply with respect to the making and carrying out of the agreement as so further amended; therefore:

It is ordered, That, with the exception of the proposed amendment to establish a new associate member class of noncarriers, as described in (1) above, the said amendments to the agreement considered herein as specified in the said application, as modified, be, and they are hereby, approved; and that this order shall become effective on, and remain in force on and after February 7, 1972, subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants hereto, within 3 months from the date of service of this order, furnish the Commission with three (3) copies of the revised agreement, including the amendments approved herein, to which is appended, under verification, a current list of the signatory member carrier parties separately shown by type of mode (motor, rail, and water), with indication whether the motor carrier parties are signatory participants in equipment interchange or interline of freight, or both, for the purpose of providing the Commission with a single document containing the agreement with all revisions thereto.

By the Commission, Review Board Number 4.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1627 Filed 2-2-72;8:51 am]

[Notice 8]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 28, 1972.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will be not accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2860 (Sub-No. 108), filed January 3, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. 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: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in

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

bulk), from Luverne, Minn.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; and Dakota City and West Point, Nebr.; to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites of or storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins. NOTE: Applicant states that tacking of the requested authority is possible in connection with its present authority on the same commodities, under it Sub-No. 37 (Sheet 8), at Baltimore so as to provide service to Miami, Fla., and points in its commercial zone; to the extent the considered commodities are frozen foods, they may be tacked with applicant's authority under Sub-No. 37 (Sheet 15), at Bridgeville, Georgetown, and Milford, Del.; Cambridge, Crisfield, Pocomoke City, Salisbury, and Trappe, Md.; and Exmore, Va.; so as to provide service to points in North Carolina, South Carolina, Georgia, and Florida; to the extent the considered commodities are canned goods, tacking is possible in conjunction with applicant's authority under Sub-No. 78 at any point in New Jersey, New York, Pennsylvania, Delaware, Connecticut, Massachusetts, Rhode Island, and Accomac and Northampton Counties, Va., to points in North Carolina, South Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 3252 (Sub-No. 78), filed January 3, 1972. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Transformer oil*, in bulk, in tank vehicles, from Albany, N.Y., to points in Maine and New Hampshire, except those in Cheshire County and those in that part of New Hampshire on, south, and west, of a line beginning at the Vermont-New Hampshire State line and extending along U.S. Highway 4 to junction U.S. Highway 3 and thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line; and (b) *synthetic resins*, in bulk, in tank vehicles, from Portland, Maine, to points in Maine, New Hampshire, Vermont, New York, Massachusetts, North Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 4405 (Sub-No. 492), filed January 10, 1972. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from New Holstein, Wis., to points in the United States (except Hawaii); and (2) *tractors* in secondary movements in driveaway service only when drawing trailers, other than those designed to be drawn by passenger automobiles, in initial movements, from New Holstein, Wis., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. 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 Madison, Wis., or Chicago, Ill.

No. MC 5470 (Sub-No. 65), filed December 30, 1971. Applicant: TAJON, INC., Rural Delivery 5, Post Office Box 146; Mercer, PA 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, between Portsmouth, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, New York, Ohio, Pennsylvania, and West Virginia; and (2) *coke*, in dump vehicles, from points in Indiana to Calvert City, Ky., and Portsmouth, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 7832 (Sub-No. 13), filed December 29, 1971. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Philadelphia, Pa., to points in New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, New Jersey, and Vermont, under contract with National Sugar Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 16672 (Sub-No. 19), filed January 11, 1972. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and shooks*, from Keysville, Va., to points in West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, North Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 16672 (Sub-No. 20), filed January 11, 1972. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Charlotte County, Va., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Virginia, West Virginia, Ohio, North Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 119182 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 19227 (Sub-No. 163), filed January 3, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, the transportation of which, because of size or weight, require the use of special equipment and parts therefor*, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* moving in connection therewith, restricted to commodities transported on trailers; (a) between points in Ohio, Indiana, Illinois, Michigan, Pennsylvania, Kentucky, and New York; and (b) between points in Ohio, Indiana, Illinois, Michigan, Pennsylvania, Kentucky, and New York, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, South Carolina, Mississippi, Tennessee, Missouri, Iowa, Colorado, Utah, Nevada, Idaho, Oregon, and Washington, restricted to the transportation of traffic from or to the construction sites or facilities of the Arthur G. McKee Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 164), filed January 7, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico,

North Dakota, Oregon, South Dakota, 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 19227 (Sub-No. 165), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 166), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall board, particleboard, plywood, lumber, and lumber products*, from points in Angelina and Sabine Counties, Tex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 229), filed December 28, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (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) and *related pet items*, from the warehouse or storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, 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 New Orleans, La., or Boston, Mass.

No. MC 32882 (Sub-No. 65), filed December 27, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, particle board, chip board, hard board, flake board, press board, and lumber mill products*, between points in Oregon, Washington, and those located in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, Calif., on the one hand, and, on the other, points in Idaho, Utah, Colorado, Wyoming, Montana, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 51146 (Sub-No. 247), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles, forms, or materials* (foamed, cellulor, or expanded plastic); (1) from Madison, Wis., to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, and West Virginia; and (2) from Frederick, Md., to points in Virginia, West Virginia, Ohio, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina, Maryland, Indiana, Illinois, Wisconsin, and the District of Columbia, and *equipment, materials, and supplies* used in the manufacture and distribution of expanded plastic articles, forms, or materials (foamed, cellulor, or expanded plastic), from the States outlined in (1) above to Madison, Wis., and from the States outlined in (2) above to Frederick, Md. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 248), filed December 17, 1971. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such products* as are manufactured or distributed by manufacturers of cheese and cheese products, from points in Wood and Marathon Counties, Wis., to points in the United States (except Alaska and Hawaii); (2) returned shipments of the above described commodities, and *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to points in Wood and Marathon Counties, Wis. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 249), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, cellulose materials and products*, from points in Massachusetts to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the production and distribution of the above described commodities, from points in the United States (except Alaska and Hawaii), to points in Massachusetts. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 51146 (Sub-No. 250), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in the Isle of Wight County, Va., to points in Kentucky, West Virginia, Pennsylvania, New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, New Jersey, Maryland, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 251), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Paper and paper products,* from points in Chatham County, Ga., to points in Maine, Vermont, New York, New Hampshire, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Kentucky, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 53965 (Sub-No. 80), filed December 27, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Elkhart, Ulysses, Syracuse, Tribune, Sharon Springs, and Goodland, Kans., and points in that part of Colorado east of the Continental Divide. NOTE: Applicant states that it intends to tack with presently held authority to serve points in Kansas, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Salina and Garden City, Kans.

No. MC 58923 (Sub-No. 37), filed January 3, 1972. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, SE., Post Office Box 6944, Atlanta, GA 30315. Applicant's representative: John C. Henderson (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restrictions: The authority granted under the regular route authority of MC 58923 Sub 31, hereinabove is subject to the following conditions: All services authorized in said certificate is restricted to the transportation of traffic moving from, to, or through, Atlanta, Ga., or La Grange, Ga.; and (2) the authority granted under the regular routes of said certificate shall not be severable, by sale or otherwise, from the irregular route authority contained therein. Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between La Grange, Ga., and Atlanta, Ga., on the one hand, and, on the other, points in Alabama; and (2) between La Grange, Ga., and Atlanta, Ga., on the one hand, and, on the other, points in Georgia. Restrictions: The authority granted under the irregular-route authority hereinabove is subject to the following conditions: Service is restricted against interchange with other motor carriers at Atlanta, Ga., with respect to traffic originated at or destined to points in that part of northeast Georgia bounded on the north by U.S. Highway 23, on the west by U.S. Highway 41, and on the south by U.S. Highway 80. Carrier shall not, pursuant to the irregular-route authority contained herein, transport shipments moving between any points authorized to be served by it in its regular-route authority contained herein. NOTE: Applicant states it is not seeking authority to serve additional territory. It merely seeks the removal of a partial restriction against its existing Atlanta gateway, thus enabling utilization of the Atlanta, Ga., gateway. in addition to its La Grange, Ga., gateway, equally as to all on line traffic. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59117 (Sub-No. 38), filed January 3, 1972. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Post Office Box 1, Vinita, OK 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer, liquid fertilizer ingredients, liquid feed, liquid feed ingredients, and liquid feed supplements,* in bulk, and (2) *liquid insecticides, liquid fungicides, and liquid herbicides* from points along the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 59150 (Sub-No. 64), filed December 30, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. 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: *Building materials* (except commodities in bulk and commodities requiring special equipment because of size and weight), *plywood and composition board,* from Jacksonville, Fla., and Charleston, S.C., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 61592 (Sub-No. 256), filed January 3, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Machinery, equipment, and parts* used on the construction, assembly, servicing, and operation of boats, barges, ships, and other vessels, from the plantsites of Litton Systems, Inc., at Pascagoula, Miss., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61592 (Sub-No. 257), filed January 3, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald L. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished* with decorative or protective materials, *and accessories and supplies* used in the installation thereof, from the plantsite and warehouse facilities of the Prestile Corp., Chicago, Ill., to points in Alabama, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65802 (Sub-No. 50), filed January 3, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures,* from Seattle, Wash., to points in Oregon, Idaho, Montana and those in California lying on or north of a line drawn east and west through Redding, 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 Seattle, Wash., or Portland, Oreg.

No. MC 66900 (Sub-No. 38), filed December 19, 1971. Applicant: HOUFF TRANSFER, INCORPORATED, Post

Office Box 91, Weyers Cave, VA 24486. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require special equipment), between points in Augusta County, Va., on the one hand, and, on the other, points in Chesterfield County, Va., and those points in Virginia on and east of U.S. Highway 1. NOTE: Applicant states that the requested authority can be tacked with its existing authorities, that through tacking and joining of its separate authorities, it can presently render service between points in Augusta County, Va., and points in Virginia within the scope of this application and that the scope of this application and that the purpose of this application is to provide applicant with the ability to utilize the shortest possible routes from Staunton to the effected area. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 73165 (Sub-No. 310), filed December 27, 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: *Lift trucks, parts, attachments, and accessories* for lift trucks, from the ports of entry at or near Baltimore, Md., Houston Tex., Los Angeles, Calif., and Portland, Oreg., to points in the United States (except Alaska and Hawaii), restricted to traffic having a prior movement by water. NOTE: Applicant 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 83539 (Sub-No. 327), filed January 5, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Romac Steel Co. at or near Fort Myers, Fla., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. 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 Miami or Tampa, Fla.

No. MC 83835 (Sub-No. 88), filed January 3, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts of cooling towers;* and (2) *materials and supplies* (except in bulk) used or useful in the manufacture, installation, and erection of the commodities described in (1) above, from Tulsa, Okla., Kankakee, Ill., St. Louis, Mo., Columbus, Ohio, and Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states tacking is possible at Tulsa, Okla., Kankakee, Ill., St. Louis, Mo., Columbus, Ohio, and Houston, Tex. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 87720 (Sub-No. 121) (Correction), filed November 18, 1971, published in the FEDERAL REGISTER, issue of January 13, 1972, and republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products, water proofing compounds, and acids*, from Atlanta, Ga., to points in Florida, Georgia, Alabama, and points in Tennessee on and east of U.S. 13; (2) *Materials and supplies* used in the manufacture, sale or distribution of the aforementioned commodities, from the above destination territory to Atlanta, Ga.; (3) *Household cleaning products, water proofing compounds, and acids*, between Philadelphia, Pa., Bristol, Pa., Atlanta, Ga., New Orleans, La., Tampa, Fla., and Dallas, Tex. Restriction: Restricted against the transportation of the aforementioned commodities in bulk; and to a service under contract with Purex Corp., Ltd. NOTE: The purpose of this republication is to correct the docket number as shown above in lieu of MC 109682 Sub 31 which was in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 124), filed January 3, 1972. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers, and converters of paper and paper products, and materials and supplies* used in the manufacture and distribution of the above-named commodities (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), between points in Columbus and Brunswick Counties, N.C., and Hunterdon and Warren Counties, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The proposed service to be performed under contract with Riegel Paper Corp. NOTE: Applicant has pending an application for common carrier authority in No. MC 135684 (Sub-No. 1), therefore dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97127 (Sub-No. 6), filed October 29, 1971. Applicant: BATESVILLE TRUCK LINE, INC., Post Office Box 710, Batesville, AR 72501. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, commodities requiring the use of tank vehicles, and classes A and B explosives), (1) between Little Rock, Ark., and junction U.S. Highways 167 and 62 at or near Ash Flat, Ark., from Little Rock over U.S. Highway 67 to Bald Knob, Ark., thence over U.S. Highway 167 to junction U.S. Highway 62, and return over the same route with closed doors from Little Rock to Batesville, and with open doors from Batesville to Little Rock over the same routes with freight originating in Batesville or through the Batesville gateway; (2) between Batesville, Ark., and junction Arkansas Highway 16 and U.S. Highway 67, from Batesville over Arkansas Highway 25 to junction Arkansas Highway 16, thence over Arkansas Highway 16 to junction U.S. Highway 67, and return, with closed doors from said junction over Arkansas Highway 16 to junction Arkansas 25. With closed doors so far as delivery is concerned, from junction U.S. Highway 67 and Arkansas Highway 16 to Heber Springs (including Heber Springs) on traffic originating or passing through Little Rock, Ark.;

(3) (a) Between Batesville, Ark., and junction Arkansas Highway 106 and U.S. Highway 69, over Arkansas Highway 106; (b) between Batesville, Ark., and Melbourne, Ark., over U.S. Highway 69; (c) between Mountain View, Ark., and Mammoth Spring, Ark., over Arkansas Highway 9; (d) between Calico Rock, Ark., and Ash Flat, Ark., over Arkansas Highway 56; (e) between Hardy, Ark., and Salem, Ark., over U.S. Highway 62; (f) between Mammoth Springs, Ark., and Hardy, Ark., over U.S. Highway 63; (g) between junction U.S. Highway 167 and Arkansas Highway 58, and junction Arkansas Highways 58 and 69, over Arkansas Highway 58; (h) between Mountain View, Ark., and Batesville, Ark., from Mountain View over Arkansas Highway 14 to junction Arkansas Highway 25, thence over Arkansas Highway 25 to Batesville; (i) between Mountain View, Ark., and Leslie, Ark., over Arkansas Highway 66; and return over the same routes, serving all intermediate

points; (4) (a) between junction Arkansas Highways 58 and 69, and Guion, Ark., over Arkansas Highway 58; (b) between Mount Pleasant, Ark., and Guion, Ark., over unnumbered county road; (c) between Guion, Ark., and junction Arkansas Highway 14 and unnumbered county road, over unnumbered county road; (d) between junction Arkansas Highways 5 and 9 and Calico Rock, Ark., over Arkansas Highway 5; (e) between junction Arkansas Highways 14 and 9, and junction Arkansas Highways 14 and 27, over Arkansas Highway 14; and return over the routes described in (4) (a), (b), (c), (d), and (e) above, serving all intermediate points; (5) between Batesville, Ark., and Newark, Ark., (a) from Batesville over Arkansas Highway 69, and return over the same route, serving all intermediate points; (b) from Batesville over Arkansas Highway 69 to intersection with unnumbered W.P.A.-Gap Road, approximately 3 miles east of Batesville, thence over W.P.A.-Gap Road to the junction of Arkansas Highway 69 near Magness, Ark., thence over Arkansas Highway 69 to Newark, and over all other unmarked public roads connecting with W.P.A.-Gap Road and Arkansas Highway 69 between Batesville and Newark, and return over the same routes serving all intermediate and off-routes on and adjacent to the highways described in 5 (a) and (b) above.

Over regular and irregular routes: (6) Between points in Shelby County, Tenn., and the foregoing named points and routes, over *irregular* routes to their junction with Interstate Highway 55 and thence over Interstate Highway 55 to the junction and/or ingress and egress with U.S. Highway 64, and thence over U.S. Highway 64 to the junction of U.S. Highway 167 in Bald Knob, Ark., serving no intermediate points on said highways, and return over the same route. NOTE: Applicant states: (a) That it is presently authorized to conduct the operations described in routes (1) through (5) hereinabove in its certificates of registration MC 97127, Sub-Nos. 3, 4, and 5 which, by this application, is sought to be converted into a Certificate of Public Convenience and Necessity, to include existing restrictions, and tacking. (b) Route No. 6 hereinabove shown is restricted against service to all intermediate points between points in Shelby County, Tenn., and Bald Knob, Ark., and its commercial zone, and intermediate points located in Arkansas upon Interstate Highway 55 and U.S. Highway 64. Proposed Shelby County, Tenn., Route (No. 6) to be tacked with existing authority at the junction of U.S. Highway 64, 67, and 167 in Bald Knob, Ark., to render a direct single-line service between points in Shelby County, Tenn., and points presently authorized to be served by applicant. If a hearing is deemed necessary, applicant requests it be held at Batesville or Little Rock, Ark.

No. MC 97357 (Sub-No. 44), filed December 27, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, in tank vehicles, from points in California to points in Arizona. 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 Los Angles, Calif.

No. MC 100449 (Sub-No. 33), filed January 3, 1972. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from St. James, Madelina, and Butterfield, Minn., and Estherville, Iowa, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to traffic originating at the plantsites and storage facilities of Tony Downs Foods Co. at St. James and Madelia, Minn., Butterfield Foods Co., at Butterfield, Minn., and WADCO Foods, Inc., at Estherville, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 208), filed December 30, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches, processed grain products* (except commodities in bulk, animal and poultry feed and ingredients thereof, and edible flour) from points in McPherson County, Kans., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Shreveport, La.

No. MC 100666 (Sub-No. 209), filed January 3, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and moldings*, from the plantsites of, and facilities utilized by U.S. Plywood-Champion Papers, Inc., at Charleston and Orangeburg, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority has certain tacking possibilities with its existing authority, however, none of the tacking possibilities would be feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 103993 (Sub-No. 687), filed January 4, 1972. 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 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 Nashville, Tenn.

No. MC 105566 (Sub-No. 66), filed January 3, 1972. 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: *Bananas*, from Gulfport, Miss., and New Orleans, La., to Terre Haute, Ind. NOTE: Applicant holds no authority to which the requested authority could be tacked or joined. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105566 (Sub-No. 67), filed January 3, 1972. 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: *Paint and paint materials, including putty, caulking compounds, paint ingredients, and adhesive cement or glue*, from Dayton, Ohio, to San Jose, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105755 (Sub-No. 15), filed December 30, 1971. Applicant: M.J.K. TRUCKING CORP., 1040 John Alden Lane, Schenectady, NY 12306. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut,

Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. 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 York, N.Y.

No. MC 106398 (Sub-No. 558), filed September 17, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 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 Boulder 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 Denver, Colo.

No. MC 106398 (Sub-No. 581), filed December 13, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (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 movement, and *buildings in sections, mounted on wheeled undercarriages*, from points in New Castle County, Del., to points in the United States (except Alaska and Hawaii). NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 582), filed January 6, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (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 Rutland County, Vt., 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 Washington, D.C.

No. MC 106398 (Sub-No. 583), filed January 6, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (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. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 106674 (Sub-No. 84), filed December 30, 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: *Fertilizer and fertilizer materials and pesticides*, in bulk, from Henry, Ill., to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106920 (Sub-No. 42), filed January 4, 1972. Applicant: RIGGS ROAD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 48569. 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, tranporting: *Frozen foods*, from Kansas City, Kans., to Atlanta, Ga., and points in New York, Michigan, and Ohio. 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., or Washington, D.C.

No. MC 107295 (Sub-No. 595), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, floor tile and accessories* used in the installation thereof, from Joliet, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 596), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, siding and siding materials, and accessories* used in the installation thereof, from St. Louis, Mo., to points in the United States in and east of Michigan, Indiana, Kentucky, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 597), filed January 3, 1972. 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: *Roofing and roofing materials* (except in bulk), between Jessup, Md., and points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 598), filed January 3, 1972. 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: *Roofing and roofing materials* (except in bulk), from points in Franklin County, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplications are anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 599), filed January 3, 1972. 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: *Iron and steel fencing, fence posts, gates and woven fabric with all necessary fittings therefor*, from La Grange, 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.

No. MC 107760 (Sub-No. 4), filed December 30, 1971. Applicant: MOHAWK TRUCKING AND SALVAGE CO., a corporation, 62 Elm Street, Johnston, RI 02919. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal scrap*, in dump vehicles, between Providence, R.I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107983 (Sub-No. 14), filed January 11, 1972. Applicant: COLD-WAY EXPRESS, INC., Post Office Box 26, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, running gear, wheels, hubs, fertilizer equipment, plows, and related parts*, between Goodfield, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 108207 (Sub-No. 340), filed January 11, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, and 766, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salads*, in vehicles equipped with mechanical refrigeration; and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in paragraph (1) above, when moving in mixed loads with one or more of the commodities described in paragraph (1) above, (a) from points in Texas (except Dallas, Forth Worth, and Sherman, Tex.), to points in Arkansas, Oklahoma, Kansas, Kentucky, Missouri, Illinois, Louisiana, Iowa, Michigan, Minnesota, Mississippi, Tennessee, Wisconsin, Ohio, South Dakota, Indiana, and Nebraska; (b) from Dallas and Fort Worth, Tex., to Tulsa and Oklahoma City, Okla.; Wichita and Kansas City, Kans.; and St. Louis and Kansas City, Mo., and points in Tennessee (except Memphis) and Kentucky (except Louisville). Restriction: The operations authorized herein in paragraphs (1) and (2) above are restricted against the transportation of the above described commodities in bulk and against the transportation of hides and skins, and (3) *canned goods*, (a) from Lindale, Tex., to points in Arkansas, Oklahoma, Kansas, Kentucky, Missouri, Illinois, Louisiana, Iowa, Michigan, Minnesota, Mississippi, Tennessee, Wisconsin, Ohio, South Dakota, Indiana, and Nebraska. NOTE: Applicant states that the requested authority can be tacked with MC-108207 (Sub-No. 147) over Texas to serve all States from California. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 108449 (Sub-No. 337), filed January 3, 1972. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, restricted to having a prior or subsequent movement over the lines of the Burlington Northern, Inc., between points in Colorado, Iowa, Illinois, Kentucky, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories 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 or St. Paul, Minn., or Chicago, Ill.

No. MC 109478 (Sub-No. 122), filed December 28, 1971. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, preserved, or prepared*, from Elk Rapids, Mich., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Detroit, Mich.

No. MC 109612 (Sub-No. 31), filed January 10, 1972. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 47305. Applicant's representative: Eugene Lee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from Alexandria, Ind., to points in Illinois, Indiana, Ohio, Kentucky, Michigan, Wisconsin, and Tennessee; and (2) between Muncie, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Kentucky, Michigan, Wisconsin, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109637 (Sub-No. 384), filed January 4, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except in dump vehicles), from Evansville, Ind., and from the site of Bulk Distribution Centers, Inc., at Mount Vernon, Ind., to points in Indiana, Kentucky, Tennessee (except Kingsport, Tenn., and points in its commercial zone), and to points in Missouri and Illinois (except points in the latter two States in the St. Louis, Mo.-East St. Louis, Ill., commercial zone). Restricted against the transportation of (1) dry milled corn products, from Mount Vernon, Ind.; (2) petroleum and petroleum products as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to points in Illinois and Kentucky; and (3) fats, oils, and greases to any involved destination. This authority may not be combined or joined by applicant with any other of its authority. Applicant further states and requests that any authority granted be restricted against tacking. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110761 (Sub-No. 14), filed January 11, 1972. Applicant: CARROLL TRANSPORT, INC., 1249 Adam Street, Pittsburgh, PA 15233. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel articles*, between Pittsburgh, Pa., on the one hand, and, on the other, Indianapolis, New Castle, and Richmond, Ind.; points in the Lower Peninsula of Michigan; Caldwell, Elizabeth, Little Falls, Lyndhurst, Newark, Paterson, Rochelle Park, Perth Amboy, and Trenton, N.J.; Buffalo, Cortland, Lancaster, New York, Rochester, and Syracuse, N.Y.; Canton, Carrollton, Cincinnati, Columbus, Cleveland, Clyde, Dayton, East Liverpool, Painesville, Salem, Toledo, Toronto, Wapakoneta, Warren, and Youngstown, Ohio. NOTE: Applicant states that the requested authority can be tacked at Pittsburgh, but states that it has no present intention to tack. Applicant further states that its basic certificate under MC 110761 permits the operation described by observing Canton Township, Washington County, Pa., as a gateway. By this application applicant proposes to remove the Canton

Township gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 110988 (Sub-No. 283), filed December 27, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from the plantsite of Minnesota Mining & Manufacturing Co. at or near Cordova, Ill., to Decatur, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 112520 (Sub-No. 254), filed December 28, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to points in Alabama and Florida. 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 Atlanta, Ga.

No. MC 112520 (Sub-No. 255), filed January 3, 1972. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients*, in bulk, from the plantsite of Occidental Chemical Co. near White Springs, Fla., to points in Illinois. 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 112801 (Sub-No. 132) (Correction), filed December 9, 1971, published FEDERAL REGISTER, issue of January 13, 1972, and republished as corrected this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in bulk, from the plantsite of Lehn & Fink Products Co., at Lincoln, Ill., to Selma, Ala. NOTE: The purpose of this republication is to correct the docket number assigned thereto, in lieu of MC 112989 (Sub-No. 21) which was in error. Applicant 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 112801 (Sub-No. 133), filed December 27, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113106 (Sub-No. 36), filed January 11, 1972. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and materials, supplies, and equipment* used in the manufacture and distribution of malt beverages, between Fogelsville, Upper Macungie Township, Pa., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, New Jersey, New York, 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. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113434 (Sub-No. 49), filed December 29, 1971. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, and accessories for glass containers and cartons and parts* when moving in mixed shipments with glass containers, from Lawrenceburg, Ind., to points in 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 Chicago, Ill.; Detroit, Mich.; or Washington, D.C.

No. MC 113843 (Sub-No. 179), filed January 3, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, drugs, plastic and rubber articles*, from Altavista, Va., to points in Colorado, Kansas, South Dakota, Minnesota, Missouri, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Nebraska, and Iowa, restricted to traffic originating at Altavista, Va., and destined to the abovenamed destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 113908 (Sub-No. 220), filed January 7, 1972. 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 points in Arizona, to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 114019 (Sub-No. 227), filed January 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, building and insulating materials, composition board and gypsum products, and materials* used in the installation thereof, from the plantsite and warehouse facilities of the Celotex Corp., at Charleston, Ill., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 228), filed January 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and 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 Sioux Falls, S. Dak., to points in Connecticut, Delaware, 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 cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Sioux Falls, S. Dak.

No. MC 114211 (Sub-No. 166), filed December 17, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products, plywood, particle board, wallboard, composition board, molding and doors*, between points in Washington, Oregon, and California on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, New York, Pennsylvania, Tennessee, Arkansas, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., San Francisco, Calif., or Chicago, Ill.

No. MC 114239 (Sub-No. 30), filed January 3, 1972. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea* (except in tank vehicles), from the plantsite and warehouse facilities of Atlas Chemical Industries located at or near Atlas, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma under a continuing contract or contracts with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Joseph, or Joplin, Mo.

No. MC 115162 (Sub-No. 242), filed December 29, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and moldings;* (a) from the plantsite of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Tennessee, and Texas; and (b) from the plantsites of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Arkansas, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 115826 (Sub-No. 234), filed December 27, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and other related dairy products*, from Logan, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, 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 Denver, Colo., or Salt Lake City, Utah.

No. MC 115924 (Sub-No. 19), filed January 3, 1972. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Applicant's representative: J. A. KUNDTZ, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* (2) *feedstuffs and feed ingredients;* and (3) *pet foods and supplies*, from Port Wentworth, Ga., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract or contracts with Savannah Foods & Industries, Inc., of Savannah, Ga. NOTE: Common control and dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116073 (Sub-No. 216), filed January 6, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 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 mounted on wheeled undercarriages, from points in Pinal County, Ariz., 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 Phoenix, Ariz.

No. MC 117068 (Sub-No. 16), filed December 27, 1971. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. 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: *Silos, loading and unloading devices, waste storage tanks, livestock scales and feed bunkers, forage metering devices, animal waste, spreader tanks, livestock feeding systems, and parts and accessories therefor*, from Kankakee and Eureka, Ill., and Elkorn, Wis., to points in Burt, Cass, Dodge, Douglas, Otoe, Sarpy, Saunders, and Washington Counties, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 448), filed January 3, 1972. 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: (1) *Candy and confectionery products*, except in bulk; (2) *advertising materials and premium merchandise*, moving in mixed loads with candy and confectionery products, except commodities in bulk, from Chicago, Ill., to points in Arizona, California, Montana, Nevada, Oklahoma, Oregon, Utah, and Washington. NOTE: Applicant states it presently holds authority under its Subs 343 to transport candy and confectionery, from Salt Lake City, Utah, which could possibly be tacked to serve New Mexico, although tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 449), filed January 10, 1972. 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: *Canned chicken*, in vehicles equipped with mechanical refrigeration, from Hope, Ark., to points in California. NOTE: Common control may be involved. Applicant states that it does not intend to tack this authority, but there are tacking possibilities. 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 117322 (Sub-No. 6), filed January 11, 1972. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, Chatfield, MN 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Frozen foods*, from New Hampton, Iowa, to points in Minnesota; and (2) *materials and supplies* used in the manufacture and processing of frozen foods, from points in Minnesota to New Hampton, 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 Minneapolis, Minn., or Chicago, Ill.

No. MC 118034 (Sub-No. 18), filed January 4, 1972. Applicant: MILLER TRUCK LINE, INC., 901 East 28th Street, Fort Worth, TX 76106. Applicant's representative: Morgan Nesbitt, Post Office Box 275, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from New Orleans, La., to Dallas, 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. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 118178 (Sub-No. 11), filed December 31, 1971. Applicant: BILL MEEKER, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides), from Wichita, Kans., to points in Illinois, Indiana, Ohio, West Virginia, Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 110064, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118610 (Sub-No. 15), filed December 20, 1971. Applicant: L & B EXPRESS, INC., Post Office Box 281, Owensboro, KY 42301. Applicant's representative: Fred F. Bradley, Courthouse, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, tubing plastic; steel and soil pipe; tanks; plumbing goods and supplies; hand tools, power tools; and building materials*, between Bowling Green, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Wisconsin, West Virginia, Minnesota, Michigan, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Florida, Missouri, Iowa, Texas, Louisiana, Pennsylvania, New Jersey, and New York. NOTE: Applicant states it will tack if feasible or possible with authority only in MC 118610. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119493 (Sub-No. 88), filed January 7, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feedstuffs, health and related products, insecticides and pesticides, empty bags and containers, advertising matter and premiums;* (1) from Kansas City, Mo.-Kans. commercial zones to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (2) from Geneseo, Ill., to Norfolk, Nebr.; Storm Lake and Atlantic, Iowa; and Kansas City, Mo.-Kans., commercial zones; and (3) from Norfolk, Nebr., to Geneseo, Ill.; Atlantic and Storm Lake, Iowa; and Kansas City, Mo.-Kans. commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119493 (Sub-No. 89), filed January 7, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured and dealt in by chemical companies (except commodities in bulk, in tank or hopper type vehicles) between plantsites, producing points, and warehouse facilities of Chemagro Corp. located at Kansas City, Mo.-Kans., points in Colorado, Iowa, South Carolina, Texas, Alabama, and Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Iowa, Illinois, Georgia, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin; and (2) *returned and rejected shipments and equipment, materials, and supplies* used in the manufacture and distribution of commodities described in (1) above (except commodities in bulk, in tank or hopper vehicles), on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119774 (Sub-No. 36), filed January 5, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Desalinization and water purifying systems, nuclear waste concentrators, water evaporators, and related parts* when moving as a part of the same shipment, from the plantsite of AMF Beaird, Inc., at Shreveport, La., 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. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 119777 (Sub-No. 232), filed December 27, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler, Post Office Box 447, Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail and guard rail accessories*, from Franklin Park, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and 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 Louisville, Ky., or Nashville, Tenn.

No. MC 119934 (Sub-No. 175), filed January 4, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry in bulk, from points in Louisiana to points in Alabama, Louisiana, Mississippi, Tennessee, Arkansas, and Texas (except from points in St. Bernard Parish, La., to points in Alabama, Louisiana, Mississippi, and Tennessee). NOTE: Applicant now holds contract carrier authority under its No. MC 128161 and subs, therefore dual operations may be involved. Common control may also 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 Indianapolis, Ind., New Orleans, La., or Washington, D.C.

No. MC 123639 (Sub-No. 142), filed November 22, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from the plantsite and storage facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; and (2) from the storage facilities of American Beef Packers, Inc., at Denver, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted against service from Denver, Colo., to points in Illinois north of a line beginning at the Illinois-Missouri State line from a point directly west of Springfield, Ill., and extending through Springfield to the Illinois-Indiana State line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124004 (Sub-No. 20), filed January 11, 1972. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, N.J. 07871. 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: *Animal and poultry feed, dry, and dry animal and poultry feed ingredients*, from Secaucus, Kearny, Jersey City, and Newark, N.J.; New York, N.Y., and points in Nassau County, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 507), filed January 3, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from La Salle, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states tacking possible but not presently intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 89), filed December 29, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall 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: *Petroleum products, vehicle body sealer, and sound deadening compounds* in packages or containers, from the plantsite and shipping facilities of the Quaker State Oil Refining Corp., at or near Congo (Hancock County), W. Va., to points in Iowa, Michigan, Minnesota, North Dakota, Oklahoma, South Dakota, and Texas. 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 Chicago, Ill., or Omaha, Nebr.

No. MC 124211 (Sub-No. 207), filed January 10, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 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: *Foods, food products, and grain products*, from points in Lancaster County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. NOTE: Applicant states that tacking can be made with existing authorities, although not all tacking possibilities are feasible due to circuitry involved. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124813 (Sub-No. 88), filed January 3, 1972. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, IA 50533. 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: *Dry feed*, from Muscatine, Iowa, to points in Kentucky. NOTE: Applicant holds contract carrier authority under MC 118468 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 124947 (Sub-No. 13), filed December 20, 1971. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related parts and accessories* when their transportation is incidental to the foregoing commodities, between the facilities of Jadair, Inc., at Port Washington, Wis., on the one hand, and, on the other, 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 Chicago, Ill., Madison, Wis., or Washington, D.C.

No. MC 125433 (Sub-No. 32), filed December 23, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (other than bulk), from points in Tooele County, Utah, to points in California, Nevada, Idaho, Wyoming, Montana, Oregon, Washington, and Arizona. NOTE: Applicant holds temporary contract authority under MC 133128 Sub-No. 3 TA. 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 Salt Lake City, Utah, or Washington, D.C.

No. MC 125441 (Sub-No. 3), filed December 28, 1971. Applicant: ERNEST D'ANGELO, Main Street, Reserve Mines, Cape Breton, Nova Scotia, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to ports of entry on the international boundary line between the United States and Canada at or near Houlton and Calais, Maine, restricted to shipments destined to points in 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.

No. MC 126305 (Sub-No. 36), filed November 8, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 2, Clayton, Ala. 36016. 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: *Office furniture and equipment*, from points in North Carolina and Temple, Tex., to points in Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 127219 (Sub-No. 5), filed December 30, 1971. Applicant: KEREK AIR FREIGHT CORPORATION, Box 213, Lancaster, PA 17604. 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: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air, between points in Berks County, Pa., on the one hand, and, on the other, Philadelphia International Airport at Philadelphia, Pa. NOTE: Applicant states that the requested authority under MC 127219 (Sub-No. 3) from points in Berks County to Lancaster, Pa., and under (Sub-No. 1) from points in Lancaster County, Pa., including Lancaster, to Philadelphia International Airport, and it is to eliminate this circuitous movement that the instant application is being filed. Common control may be involved. Applicant further states that tacking of the requested authority with its existing authority is possible but not feasible and is not sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127692 (Sub-No. 2), filed December 30, 1971. Applicant: FIDELITY STORAGE CORPORATION, doing business as FIDELITY STORAGE COMPANY, Post Office Box 10257, Alexandria, VA 22310. Applicant's representative. Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. 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 Washington, D.C.; Prince Georges, Montgomery, Howard, Anne Arundel, Baltimore (including the city of Baltimore) and Frederick Counties, Md., and Fairfax, Arlington, Prince William, Loudoun, and Stafford Counties, Va., and the cities of Alexandria and Falls Church, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127844 (Sub-No. 19), filed January 3, 1972. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, 416 South Main Street, Post Office Box 334, Sumter, SC 29150. Applicant's representative: I. S. Johnson, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Nichols, S.C., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 128218 (Sub-No. 3), filed January 3, 1972. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 North Michigan Avenue, Kenilworth, NJ 07033. 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: *Food and food products, meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 205 and 766, and *materials, supplies, and equipment* used in food processing (except commodities in bulk), between points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: Applicant states that the requested authority sought herein is to be tacked at Jersey City, N.J., with existing authority to permit a through service. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128273 (Sub-No. 120), filed December 27, 1971. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office 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 articles*, from points in Chatham County, Ga., to points in Maine, New Hampshire, Vermont, West Virginia, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Jersey, Maryland, Delaware, 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 128273 (Sub-No. 122), filed December 30, 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: (1) *Paper and paper products*, from Savannah, Ga., to points in New Mexico, Arizona, Colorado, Nevada, Utah, California, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, and South Dakota; and (2) *chemicals* (except in bulk), from Savannah, Ga., Valdosta, Ga., and Jacksonville, Fla., to points in the above-named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 123), filed December 27, 1971. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office 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: *Scrap metal, recycled metal, castings, aluminum, copper, lead, zinc, steel and molybdenum*, between the plantsite and storage facilities of Central Non-Ferrous, Inc., at or near Fort Scott, Kans., and 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., or Kansas City, Mo.

No. MC 128302 (Sub-No. 9), filed January 3, 1972. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, OH 44065. 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: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Danbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 112184 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128648 (Sub-No. 9), filed December 30, 1971. Applicant: TRANS-UNITED, INC., 1226 West Chicago Avenue, East Chicago, IN 46312. Applicant's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic products* manufactured by Atlas Fabricators, Inc., of Long Beach, Calif., and *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of these commodities, between the plantsites and facilities utilized by Atlas Fabricators, Inc., its divisions and affiliates, located in Los Angeles and San Bernardino Counties, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk and those which, by reason of size or weight require special equipment. Said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Atlas Fabricators, Inc., its divisions, subsidiaries, and affiliates, under contract with Atlas Fabricators, Inc., of Long Beach, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 128902 (Sub-No. 5), filed December 22, 1971. Applicant: SCHOENEGGE, INC., Route 20 East, Box 525, Norwalk, OH 44857. Applicant's representatives: Richard H. Brandon and James Duvall, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck cab assemblies and parts thereof*, from the plantsite of Scheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, to Cortland, N.Y., returned shipments of truck cab assemblies and parts thereof, and other shipping devices, from Cortland, N.Y., to the plantsite of Scheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, under contract with Scheller-Globe Corp., Norwalk Assembly Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129018 (Sub-No. 3) (Amendment), filed August 18, 1971, published in the FEDERAL REGISTER issues of October 15, 1971 and December 9, 1971, and republished as amended, this issue. Applicant: DARRELL D. WYLIE, 623 Burlington, Holdrege, NE 68949. Applicant's representative: Charles J. Kimball, 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: *Ice cream novelties*, from Los Gatos and San Jose, Calif., to Salt Lake City, Utah; Denver, Colo., and points in Nebraska; and (2) *yogurt*, from Salt Lake City, Utah, to Denver, Colo., and points in Nebraska, under contract with Beatrice Foods Co. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 129184 (Sub-No. 8), filed December 27, 1971. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor*, alcoholic, from Schenley, Pa.; Cincinnati, Ohio; and Clermont, Ky.; to Hidalgo, Laredo, Del Rio, El Paso, Eagle Pass, Galveston, Roma, Corpus Christi, and Presidio, Tex., and Nogales, Ariz., under contract with Exports, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129973 (Sub-No. 4), filed December 30, 1971. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, Also mail: 466 Lexington Avenue, New York, NY 10022. Applicant's representative: William J. Lippman, 1819 H Street, NW., Suite 960, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics between points in Massachusetts, under a continuing contract with Avon Products, Inc., of Rye, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Boston, Mass.

No. MC 133655 (Sub-No. 53), filed January 4, 1972. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, from Norwood, Mass., to points in Colorado, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, and Alabama. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 133655 and applicant will tack its MC 133655 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134693 (Sub-No. 2), filed January 5, 1972. Applicant: DORSEY FOOKS, 4925 DiMaio Street, Brookhaven, Delaware County, PA 19015. Applicant's representative: Robert James Jackson, Fifth and Welsh Streets, Chester, PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated appliances, uncrated new furniture*, including lamps and rugs, *uncrated law mowers, uncrated paneling, and uncrated pools*, excluding commodities in bulk, in tank vehicles, explosives, and those injurious or contaminating to other lading, beginning at the Pennsylvania-Delaware State line at its intersection with Route 202, thence along the Pennsylvania-Delaware State line to the Maryland-Delaware State line, thence along the Maryland-Delaware State line, to the Sassafras River; thence following the Sassafras River and across the Chesapeake Bay to Aberdeen, Md.; thence along Route 22 out of Aberdeen, Md., to Route 136; thence along Route 136 to its intersection with Route 1; thence along Route 1 to its intersection with Route 202; thence along Route 202 to its junction with the Pennsylvania-Delaware State line, the place of beginning; and the return of refused or damaged merchandise from the said territories to the point of origin at said retail outlet, under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Media, Delaware County or Chester, Delaware County, Pa.

No. MC 134717 (Sub-No. 1), filed January 4, 1972. Applicant: DONALD R. MARSHALL, Post Office Box 115, Reidsville, SC 29375. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, in packages and in bags, from Meigs, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Waverly Mineral Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134922 (Sub-No. 22), filed December 27, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products and frozen nondairy milk and cream substitutes*, from Appleton, Wis., to points in Oklahoma, Texas, and Arkansas. NOTE: Applicant 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 135363 (Sub-No. 3), filed January 3, 1972. Applicant: CONSOLIDATED PACKAGE DELIVERY, INC., Post Office Box 50926, New Orleans, LA 70150. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, waxes, polishes, brushes, handles, gift items, cosmetics, premiums*, and (2) *merchandise, equipment, and supplies*, sold, used or distributed by a manufacturer of home products, from New Orleans, La., to Iberia, St. Mary, Iberville, part of St. Martin, Assumption, Ascension, Livingston, East Feliciana, St. Helena, Tangipohoa, St. James, Terrebonne, Lafourche, St. Charles, St. Tammany, St. John The Baptist, Orleans, Jefferson, St. Bernard, and Plaquemines Parishes, La.; and Jefferson, Adams, Wilkinson, Franklin, Amite, Lincoln, Pike, Lawrence, Walthall, Jefferson Davis, Marion, Covington, Lamar, Jones, Forrest, Perry, Wayne, Greene, Stone, Pearl River, Hancock, Harrison, George, and Jackson Counties, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 135733 (Sub-No. 2), filed January 3, 1972. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to points in New York. NOTE: Applicant states that tacking is possible at the plantsite in Buffalo, N.Y., and would authorize service to points in Erie, Warren, McKean, Potter, Cameron, Elk, Forest, Venango, and Crawford Counties, Pa. However, at present time

no tacking is intended. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135741 (Sub-No. 2), filed January 11, 1972. Applicant: EARL R. MARTIN, Post Office Box 3, East Earl, PA 17519. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, from points in Prince George County, Va., to points in Chester and Lancaster Counties, 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 Harrisburg, Pa., or Washington, D.C.

No. MC 135786 (Sub-No. 3), filed December 20, 1971. Applicant: NORRIS E. BASS, doing business as N. E. BASS, 9223 Timberlake Road, Lynchburg, VA 24502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista and Rocky Mount, Va., to points in Arizona, California, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135949 (Sub-No. 1), filed December 27, 1971. Applicant: O. H. BALDRIDGE AND SONS, INC., Highway 161 East, Box 289, Centralia, IL 62801. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Centralia, Ill., to points in Indiana, Kentucky, and Missouri, under contract with Nelsen Concrete Products, Inc., Centralia, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield or Chicago, Ill.

No. MC 135987 (Sub-No. 2), filed December 27, 1971. Applicant: R. A. CARBOL TRAILWAY LTD., a corporation, 300–444 Seventh Avenue SW., Calgary 2, AB Canada. Applicant's representative: Reginald A. Carbol, 2124 Chambers Street, Victoria, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (inoluding containers), between ports of entry between the United States and Canada at or near Vancouver, BC Canada, and points in Washington, Oregon, California, Minnesota, Illinois, Indiana, Michigan, Ohio, New York, New Jersey, Pennsylvania, Colorado, Nevada, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136070 (Sub-No. 1), filed November 19, 1971. Applicant: JOHN F. SCHROEDER, INC., 6409 North 46th Street, Tacoma, WA 98407. Applicant's representative: John C. Kouklis, 1205 Rust Building, Tacoma, Wash. 98402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles*, by truckaway service, between points in Washington, Idaho, Montana, Oregon, and California, on the one hand, and, on the other, Phoenix, Ariz., and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.; Portland, Oreg., or San Francisco, Calif.

No. MC 136087 (Sub-No. 1), filed November 22, 1971. Applicant: JAMES E. CHELF, WILLIAM F. SHARP, JR., ALVIN C. ELLIOTT, AND LOY GENE COKER, a partnership, doing business as JIM CHELF AND ASSOCIATES, 5226 Brighton Building, Denver, Colo. 80216. Applicant's representative: John J. Conway, 946 Metropolitan Building, 1612 Court Place, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* in bulk and in bags, from points in Larimer County, Colo., to points in Wyoming, Nebraska, and New Mexico, under contract with Colorado Lien Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136167, filed November 2, 1971. Applicant: BILL RACKLEY TRUCKING, INCORPORATED, 3755 Munford Avenue, Stockton, CA 95106. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, AZ 85018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and aluminum; prefabricated iron, steel and aluminum products, including prefinished products; insulation; construction tools and equipment; machinery and equipment, used and useful in the erection of structures; heavy and cumbersome commodities; roofing and sheathing, asbestos and asphalt coated; bolts and nuts; beams; roofing, corrugated and plain; roofing cement; calking and glazing compounds; asphaltum paint; filter strips; and wall and steel sections*, between points in the San Francisco commercial zone, as defined by the Commission, on the one hand, and, on the other, points in California, also from the plant of the H. H. Robertson Co., Stockton, Calif.; from Sacramento, Calif.; points in the San Francisco commercial zone; San Jose, Calif.; Santa Clara, Calif.; and from points in the Los Angeles commercial zone, as defined by the Commission, to points in Arizona, under contract with H. H. Robertson Co.; Drawer G, Stockton, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136197 (Sub-No. 2), filed January 3, 1972. Applicant: FOOD LINER, INC., 201 11th Avenue, Monroe, WI 53566. Applicant's representative: Robert M. Kaske, 8 South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and byproducts, frozen food, frozen meats and fish*, from Brodhead and Monroe, Wis., to points in the United States (except Alaska and Hawaii), materials and supplies on return, under contract with Roy's Sanitary Dairy, Inc.; Lugano Cheese Co., Inc.; Monroe Dried Milk Products Co.; and Brodhead Cheese & Cold Storage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 136211 (Sub-No. 1), filed January 3, 1972. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 G. St. Mary's Drive, Oxnard, CA 93030. Applicant's representative: Gregory M. Rebman, 1230 Boatman's Bank Building, St. Louis, MO 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, under a continuing contract with Levitz Furniture Corp., from points in St. Louis County, Mo., to points in Illinois, on and south of U.S. Highway 24 to junction U.S. Highway 136, thence to junction U.S. Highway 51, and on and west of U.S. Highway 51 to junction Illinois Highway 146, thence on and north of Illinois Highway 146 to the Illinois-Missouri State line, under contract with Levitz Furniture Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136279 (Sub-No. 2), filed December 30, 1971. Applicant: J. H. WARE, Post Office Box 398, Fulton, MO 65251. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite of Missouri Beef Packers, Inc., at Holton, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Missouri, and the District of Columbia, restricted to traffic originating at plantsite and/or warehouse facility of Missouri Beef Packers, Inc., under contract with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., Kansas City, Mo., or St. Louis, Mo.

No. MC 136282 (Sub-No. 1), filed December 16, 1971. Applicant: REDMAN TRANSPORTATION, INC., 7800 Carpenter Freeway, Dallas, TX 75247. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *House trailers* designed to be drawn by passenger automobiles; *buildings*, in sections, mounted

on wheeled undercarriages; and recreational vehicles; (B) *modules, parts, appliances, furniture, and accessories* for the commodities named in (A) above and when moving in the commodities named in (A) above; and (C) *wheels, axles, hitches, and undercarriages;* (1) between Alma, Mich., and Washington Court House, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between Richland and Americus, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; (3) between Boaz, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; (4) between Chandler, Ariz., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah; (5) between Dyersburg, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Missouri, and Tennessee;

(6) Between Ephrata and Honeybrook, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (7) between Grand Island, Nebr., on the one hand, and, on the other, points in Arizona, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; (8) between Athens, Burleson, and Grand Prairie, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (9) between Mebane, N.C., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (10) between Topeka, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; (11) between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, South Dakota, and Wyoming; and (12) between Alma, Mich., Washington Court House, Ohio; Americus and Richland, Ga.; Boaz, Ala.; Chandler, Ariz.; Dyersburg, Tenn.; Ephrata and Honeybrook, Pa.; Grand Island, Nebr.; Athens, Burleson, and Grand Prairie, Tex.; Mebane, N.C.; Topeka, Ind.; and Tulsa, Okla. All service hereunder to be performed under continuing contracts with Redman Industries, Inc., and/or its wholly owned subsidiaries Redman Western Corp. and Redman Mobile Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136315, filed December 27, 1971. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers, and cross-ties*, treated or untreated; (1) from points in Alabama, Arkansas, Louisiana, and Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virgina, and Wisconsin; and (2) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: Applicant now holds contract carrier authority under its No. MC 123905 and subs, therefore dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 136320, filed December 16, 1971. Applicant: GRIFFIN BLOCK AND SAND COMPANY, a corporation, Morgan Mill Road, Monroe, N.C. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, between points in North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Connecticut, Massachusetts, New York, New Jersey, Maryland, Ohio, Pennsylvania, Delaware, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136323 (Sub-No. 1), filed January 11, 1972. Applicant: STEPHEN BERMAN, 410 Jericho Turnpike, Jericho, NY 11753. 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: *Mouldings*, from Northvale, N.J., to points in the New York, N.Y., commercial zone as defined by the Commission, points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Bendiz Mouldings, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136327, filed December 27, 1971. Applicant: RICHARD C. POWELSON, doing business as: MANITOU EXPRESS COMPANY, 2545 Carmel Drive, Colorado Springs, CO 80910. Applicant's representative: Jonn H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso County, Colo., 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 requests it be held at Denver, Colo.

No. MC 136328, filed January 3, 1972. Applicant: C & F TRANSPORT, INC., 208 Hunts Bridge Road, Greenville, SC. Applicant's representative: Mitchell King, Jr., Box 1628, Greenville, SC 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported automobiles*, from Jacksonville, Fla., to Greenville, Anderson, and Greer, S.C., under continuing contracts with Quality Cadillac-Oldsmobile, Inc., Minyard Motor Co., and Burgin Motor Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136329, filed December 27, 1971. Applicant: JOHN W. CAIN, doing business as CAIN TRUCK LINES, Post Office Box 3385, El Paso, TX 79923. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in truckloads lots, from points in California to points in New Mexico and Texas, under contract with Kern Foods, Inc., H & R Wholesale, and Valley Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 136330, filed January 3, 1972. Applicant: JERRY L. NIEDENS, doing business as NIEDENS CUSTOM SERVICE, Route 2, Wakeeney, KS 67672. Applicant's representative: C. Zimmerman, 413 Brown Building, Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, unassembled or knocked down, or in sections, including *parts and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Kansas, under contract with Gaither Construction Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 136334, filed January 6, 1972. Applicant: KENDRICK MOVING AND STORAGE, INC., Post Office Box 209, Lebanon, OH 45036. Applicant's representative: James M. Burtch, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products and accessories*, from the plantsite of Concrete Technology, Inc., located at or near Springboro, Ohio, to points in Michigan, Pennsylvania, West Virginia, Kentucky, and Indiana, under contract with Concrete Technology, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136342, filed January 10, 1972. Applicant: JACKSON AND JOHNSON, INC., West Church, Box 7, Savannah, NY 13146. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* distributed by the Statler Tissues Corp., Sugarman Bros. Division, from Hartford, Conn., and Medford, Mass., to Syracuse, N.Y., under contract with Statler Tissue Corp., Sugarman Bros. Division. NOTE: Applicant holds common carrier authority under MC 134197, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 136344, filed January 7, 1972. Applicant: A. L. JOHNSON & A. R. JOHNSON, a partnership, doing business as A. L. & A. R. JOHNSON, Route 2, Adairville, KY 42202. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk or in bags, from Nashville, Tenn., to points in Simpson and Logan Counties, Ky.; and (2) *agricultural chemicals* in containers when shipped in mixed loads with fertilizer or fertilizer materials; (a) from Clarksville, Tenn., to points in Simpson and Logan Counties, Ky.; and (b) from Cherokee, Ala., to points in Simpson and Logan Counties, Ky., under contract with Agri-Chemicals Division of United States Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

MOTOR CARRIER OF PASSENGERS

No. MC 70947 (Sub-No. 24), filed December 28, 1971. Applicant: MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, a corporation, 1068 Bond Street, Bend, OR 97701. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Multnomah, Clackamas, Wasco, Sherman, Jefferson, Deschutes, Benton, Linn, Lane, Klamath, Crook, Wheeler, Grant, Harney, Baker, Malheur, Washington, and Marion Counties, Oreg.; Clark County, Wash.; Canyon, Ada, Elmore, Gooding, Twin Falls, Cassia, Jerome, and Oneida Counties, Idaho; and Box Elder, Weber, Salt Lake, and Davis Counties, Utah; and extending to points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133772 (Sub-No. 2), filed December 23, 1971. Applicant: CHARTERED BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, VA 23502. Applicant's representative: John Vangol (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Newport News, Va., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, and the District of Columbia, under contract with the Christopher Newport College of Newport News, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newport News, Va.

No. MC 134361 (Sub-No. 3), filed December 27, 1971. Applicant: WILDERNESS BOUND LTD., a corporation, Rural Delivery No. 1, Box 365, Highland, NY 12528. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers* (minors between age of 12 and 19 inclusive) *and their baggage*, in vehicles limited to 14 passengers, not including driver, in special round trip operations beginning and ending at Poughkeepsie, N.Y., and extending to points in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *mountain climbing, camping, caving, boating, and other related outdoor equipment* provided by applicant, to be transported in trailers hitched to the vehicles used to transport the passengers and chaperones, between the dates of June 1st and September 15th each year. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 136240, filed November 2, 1971. Applicant: HARRY SAMDAHL, doing business as HETTINGER BUS COMPANY, Hettinger, N. Dak. 58639. Applicant's representative: Lyle G. Stuart, 104 Main Street, Hettinger, ND 58639. 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, (1) between Bismarck and Hettinger, N. Dak., from Bismarck over U.S. Highway 10 to junction North Dakota Highway 6, thence over North Dakota Highway 6 to junction North Dakota Highway 21, thence over North Dakota Highway 21 to junction North Dakota Highway 8, thence over North Dakota Highway 8 to Hettinger, N. Dak., and return over the same route, serving all intermediate points, and (2) between junction of North Dakota Highway 8 and junction U.S. Highway 12, over U.S. Highway 12 to Lemmon, S. Dak., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 136333, filed January 5, 1972. Applicant: GEORGETOWN TRANSPORTATION LIMITED, 11 Mountainview Road South, Georgetown, ON Canada. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations and in sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada to points in the United States (including Alaska, but excluding Hawaii), and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 85621 (Sub-No. 6), filed January 3, 1972. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, over regular routes, as follows: (a) Between Birmingham, Ala., and Scottsboro, Ala., over Alabama Highway 79; (b) between Birmingham, Ala., and Valley Head, Ala., over U.S. Highway 11; (c) between Scottsboro, Ala., and junction Alabama Highway 35 and U.S. Highway 11 over Alabama Highway 35; (d) between Cleveland, Ala., and Huntsville, Ala., over U.S. Highway 231; (e) between Huntsville, Ala., and junction U.S. Highway 431 and Alabama Highway 79, over U.S. Highway 431; (f) between Rainsville, Ala., and junction U.S. Highway 431 and Alabama Highway 75, from Rainsville over Alabama Highway 75 to junction Alabama Secondary Highway 23, thence over Alabama Secondary Highway 23 to junction Alabama Highway 68, thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to junction U.S. Highway 431, and return over the same route; (g) between Guntersville, Ala., and Attalla, Ala., over U.S. Highway 431; (h) between Collinsville, Ala., and Fort Payne, Ala., from Collinsville, Ala., over Alabama Highway 68 to junction Alabama Highway 35, thence over Alabama Highway 35 to Fort Payne, and return over the same route; serving all intermediate points on above

specified routes (a) through (h) inclusive, and the offroute points of Oneonta, Albertville, Arab, Gadsden, and Sylvania, Ala.;

(i) Between Birmingham and Eastaboga, Ala., from Birmingham over U.S. Highway 78 to Pell City, thence over Interstate Highway 20 to Eastaboga, and return; (j) From Eastaboga over Alabama Highway 78 to the junction of Alabama Highway 78 and Alabama Highway 202, thence over Alabama Highway 202 to Anniston, Ala., and return; (k) From Anniston to Attalla, Ala., over U.S. Highway 431, serving Gadsden as an intermediate point, and return; (l) From Attalla to Talladega, Ala., over Alabama Highway 77, serving Ohatchee and Lincoln as intermediate points, and return; (m) From Talladega to Piedmont, Ala., over Alabama Highway 21, serving Oxford and Anniston as intermediate points, and return; (n) From Piedmont to Attalla, Ala., over U.S. Highway 278, serving Gadsden as an intermediate point, and return; (o) From Jacksonville to Duke, Ala., over Alabama Highway 204, and return; (p) From Piedmont to Centre, Ala., over Alabama Highway 9, and return; (q) From Eastaboga to Oxford, Ala., from Eastaboga over U.S. Highway 78 to the junction of U.S. Highway 78 and Alabama Highway 21, thence over Alabama Highway 21 to Oxford, and return; serving Altoona, Grant, Dutton, Pisgah, and Henegar, Ala., as off-route points in connection with carrier's regular-route operations. NOTE: Applicant states that this application merely seeks to broaden the commodity description in the presently existing authority of applicant covering "cosmetics and toilet preparations", and "cosmetics and toilet preparations and articles", to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 100623 (Sub-No. 31), filed January 10, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from the plantsite and storage facilities of Avon Products, Inc., of Newark, Del., to points in Delaware, Maryland, and Virginia; points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa.; points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of any package or article weighing more than 50 pounds. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee at one location on any one day. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. NOTE: Applicant already holds authority as follows: Cosmetics, toiletries, cosmetic and toilet accessories, and related advertising and display material, from the above territory, subject to the above restrictions. The only purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper. Applicant states that the requested authority can be tacked with its Sub 21, but applicant does not intend to tack. Applicant holds contract carrier authority under MC 102799, therefore, dual operations may be involved.

No. MC 133095 (Sub-No. 18), filed December 20, 1971. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. 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: (1) *Carnivorous animal food* in containers, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal food (except in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant holds a pending contract carrier application under MC 136032.

No. MC 133512 (Sub-No. 1), filed December 20, 1971. Applicant: THREE WAY TRUCKING CO., INC., 802 Richmond Avenue, Staunton, VA 24401. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* sold, used or distributed by manufacturer of cosmetics, from Staunton, Va., to points in Augusta, Rockingham, Rockbridge, and Albemarle Counties, Va., restricted to the transportation of packages or articles weighing in the aggregate not more than 500 pounds from one consignor to one consignee on any one day. NOTE: Applicant states that the authority herein sought also embraces present authority held in MC 133512 and is intended to supplement such existing authority. No duplicate authority is sought or desired. The sole purpose of the instant application is to broaden the existing commodity to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 136276 (Sub-No. 1), filed December 27, 1971. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, Ind. 47591. Applicant's representative: Thomas F. Quinn, 715 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, liquid, nitrogen fertilizer solutions, liquid, and fertilizer materials dry*, in bulk, in tank vehicles; (1) from West Henderson, Ky., to points in Illinois and Indiana; (2) from U.S. Industrial Chemical Co. plant near Tuscola, Ill., to points in Indiana and Kentucky; and (3) from the Agrico Chemical Co. plant near Mount Vernon, Ind., to points in Illinois and Kentucky; and (2) *anhydrous ammonia*, liquid, in bulk, in tank vehicles, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky. All transportation furnished will be under contract or continuing contracts with Willchemco, Inc., of Tulsa, Okla., and Cominco American, Inc., of Spokane, Wash.

No. MC 136313, filed December 27, 1971. Applicant: GREAT WESTERN TRANSPORTATION CO., a corporation, 4511 Alpine Place, Las Vegas, NV 89107. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as is dealt in by wholesale, retail, and chain grocery stores and meat markets, or restaurants, hotels, and motels, or mercantile and dry good stores and business houses, and in connection therewith *materials and supplies* used in the conduct of such business (except commodities in bulk); and, (2) *commodities* which are exempt as defined in section 203(b)(6) of the Interstate Act when moving in mixed loads with (1) above, from points in Los Angeles, Orange, and Riverside Counties, Calif., to points in Nevada, and, *returned paper products*, from the warehouse facilities of Preferred Sales, Inc., located at or near Las Vegas, Nev., to points in Los Angeles and Orange County, Calif. Restriction: The operations sought to be authorized herein are to be limited to a transportation service to be performed under a contract, or contracts, with Arden-Mayfair, Inc., Interstate Restaurant Supply Co., Nevada Sales Service, New York Meats & Provision, Inc., and Preferred Sales, Inc.

No. MC 50655 (Sub-No. 28), filed December 20, 1971. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, AL 36603. Applicant's representative: J. H. Bachar (same address as above). 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 Bardwell, Ky., and

junction of Kentucky Highways 58 and 123 west of Clinton, Ky., from Bardwell, Ky., over U.S. Highway 51 to Clinton, Ky., thence over Kentucky Highway 58 to its junction with Kentucky Highway 123, and return over the same route, for operating convenience only. NOTE: Applicant presently holds certificate property authority under its No. MC 86761 and subs. Common control may be involved.

No. MC 133729 (Sub-No. 1), filed January 7, 1972. Applicant: WILLIAM E. KERSHAW, JR., doing business as, WILDERNESS TRAVEL CAMP, 259 East Evergreen Avenue, Philadelphia, PA 19118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in personally conducted all expense round trip tours, in vehicles limited to eight passengers, between June 10 and September 10 of each year, beginning and ending at Philadelphia, Pa., and extending to points in Arizona, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, South Dakota, Utah, Vermont, Wisconsin, and Wyoming. NOTE: Applicant states that the age group of the boys transported are from 10 to 16 years old.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1531 Filed 2-2-72;8:45 am]

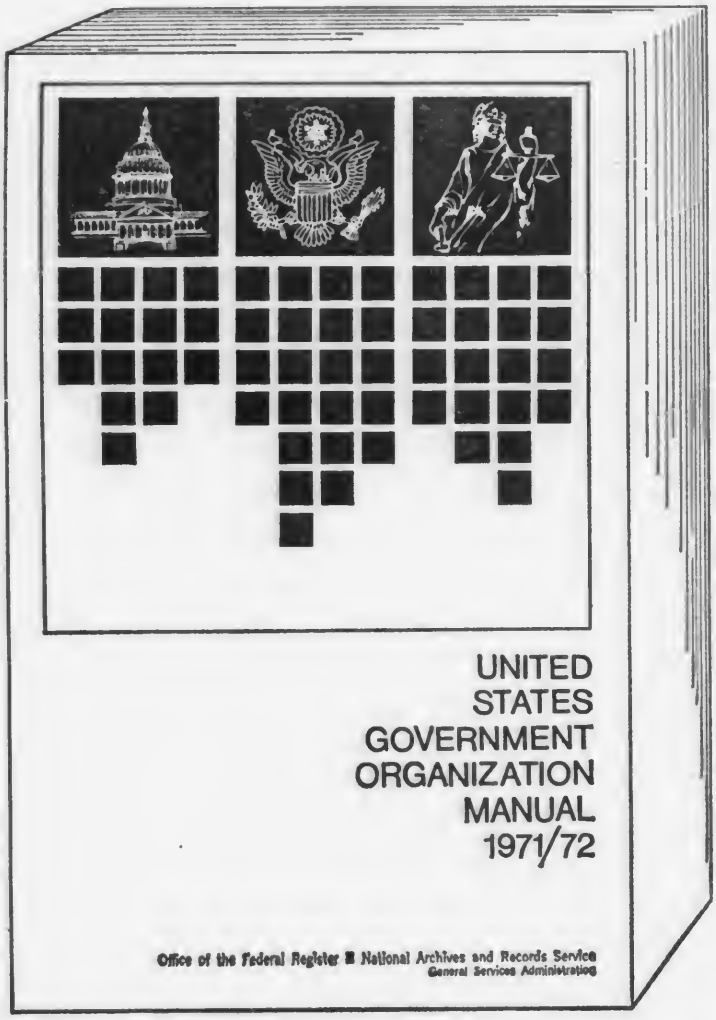
CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
2411–2482	Feb. 1
2483–2557	2
2559–2636	3

Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts